

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 111

Senators Eklund, O'Brien

A BILL

To amend sections 109.572, 718.031, 2915.01, 1
5703.21, 5747.02, 5747.063, 5747.064, 5747.08, 2
5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 3
5753.05, 5753.06, 5753.061, 5753.07, 5753.08, 4
and 5753.10 and to enact sections 3775.01, 5
3775.02, 3775.03, 3775.04, 3775.05, 3775.06, 6
3775.07, 3775.08, 3775.09, 3775.11, 3775.12, 7
3775.99, and 5753.021 of the Revised Code to 8
permit the Ohio Casino Control Commission to 9
regulate sports wagering and to levy a tax on 10
businesses that provide sports wagering. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 718.031, 2915.01, 12
5703.21, 5747.02, 5747.063, 5747.064, 5747.08, 5747.20, 5751.01, 13
5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 14
5753.08, and 5753.10 be amended and sections 3775.01, 3775.02, 15
3775.03, 3775.04, 3775.05, 3775.06, 3775.07, 3775.08, 3775.09, 16
3775.11, 3775.12, 3775.99, and 5753.021 of the Revised Code be 17
enacted to read as follows: 18

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 19

section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 20
Code, a completed form prescribed pursuant to division (C)(1) of 21
this section, and a set of fingerprint impressions obtained in 22
the manner described in division (C)(2) of this section, the 23
superintendent of the bureau of criminal identification and 24
investigation shall conduct a criminal records check in the 25
manner described in division (B) of this section to determine 26
whether any information exists that indicates that the person 27
who is the subject of the request previously has been convicted 28
of or pleaded guilty to any of the following: 29

(a) A violation of section 2903.01, 2903.02, 2903.03, 30
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 31
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 32
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 33
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 34
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 35
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 36
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 37
sexual penetration in violation of former section 2907.12 of the 38
Revised Code, a violation of section 2905.04 of the Revised Code 39
as it existed prior to July 1, 1996, a violation of section 40
2919.23 of the Revised Code that would have been a violation of 41
section 2905.04 of the Revised Code as it existed prior to July 42
1, 1996, had the violation been committed prior to that date, or 43
a violation of section 2925.11 of the Revised Code that is not a 44
minor drug possession offense; 45

(b) A violation of an existing or former law of this 46
state, any other state, or the United States that is 47
substantially equivalent to any of the offenses listed in 48
division (A)(1)(a) of this section; 49

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.	50 51 52
(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	53 54 55 56 57 58 59 60 61 62 63 64 65 66
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;	67 68 69 70 71 72 73 74 75
(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.	76 77 78 79

(3) On receipt of a request pursuant to section 173.27,	80
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342,	81
5123.081, or 5123.169 of the Revised Code, a completed form	82
prescribed pursuant to division (C)(1) of this section, and a	83
set of fingerprint impressions obtained in the manner described	84
in division (C)(2) of this section, the superintendent of the	85
bureau of criminal identification and investigation shall	86
conduct a criminal records check of the person for whom the	87
request is made. The superintendent shall conduct the criminal	88
records check in the manner described in division (B) of this	89
section to determine whether any information exists that	90
indicates that the person who is the subject of the request	91
previously has been convicted of, has pleaded guilty to, or	92
(except in the case of a request pursuant to section 5164.34,	93
5164.341, or 5164.342 of the Revised Code) has been found	94
eligible for intervention in lieu of conviction for any of the	95
following, regardless of the date of the conviction, the date of	96
entry of the guilty plea, or (except in the case of a request	97
pursuant to section 5164.34, 5164.341, or 5164.342 of the	98
Revised Code) the date the person was found eligible for	99
intervention in lieu of conviction:	100
(a) A violation of section 959.13, 959.131, 2903.01,	101
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	102
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	103
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	104
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	105
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	106
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	107
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	108
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	109
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	110

2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	111 112 113 114 115 116 117 118 119
(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	120 121
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	122 123
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;	124 125 126 127
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	128 129 130 131
(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that	132 133 134 135 136 137 138 139

indicates that the person who is the subject of the request	140
previously has been convicted of or pleaded guilty to any of the	141
following:	142
(a) A violation of section 959.13, 2903.01, 2903.02,	143
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,	144
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,	145
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	146
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,	147
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22,	148
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,	149
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12,	150
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	151
2927.12, or 3716.11 of the Revised Code, a violation of section	152
2905.04 of the Revised Code as it existed prior to July 1, 1996,	153
a violation of section 2919.23 of the Revised Code that would	154
have been a violation of section 2905.04 of the Revised Code as	155
it existed prior to July 1, 1996, had the violation been	156
committed prior to that date, a violation of section 2925.11 of	157
the Revised Code that is not a minor drug possession offense,	158
two or more OVI or OVUAC violations committed within the three	159
years immediately preceding the submission of the application or	160
petition that is the basis of the request, or felonious sexual	161
penetration in violation of former section 2907.12 of the	162
Revised Code;	163
(b) A violation of an existing or former law of this	164
state, any other state, or the United States that is	165
substantially equivalent to any of the offenses listed in	166
division (A) (4) (a) of this section.	167
(5) Upon receipt of a request pursuant to section 5104.013	168
of the Revised Code, a completed form prescribed pursuant to	169

division (C) (1) of this section, and a set of fingerprint	170
impressions obtained in the manner described in division (C) (2)	171
of this section, the superintendent of the bureau of criminal	172
identification and investigation shall conduct a criminal	173
records check in the manner described in division (B) of this	174
section to determine whether any information exists that	175
indicates that the person who is the subject of the request has	176
been convicted of or pleaded guilty to any of the following:	177
(a) A violation of section 2151.421, 2903.01, 2903.02,	178
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,	179
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,	180
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	181
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25,	182
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,	183
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12,	184
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11,	185
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41,	186
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,	187
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	188
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11,	189
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13,	190
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	191
3716.11 of the Revised Code, felonious sexual penetration in	192
violation of former section 2907.12 of the Revised Code, a	193
violation of section 2905.04 of the Revised Code as it existed	194
prior to July 1, 1996, a violation of section 2919.23 of the	195
Revised Code that would have been a violation of section 2905.04	196
of the Revised Code as it existed prior to July 1, 1996, had the	197
violation been committed prior to that date, a violation of	198
section 2925.11 of the Revised Code that is not a minor drug	199
possession offense, a violation of section 2923.02 or 2923.03 of	200

the Revised Code that relates to a crime specified in this 201
division, or a second violation of section 4511.19 of the 202
Revised Code within five years of the date of application for 203
licensure or certification. 204

(b) A violation of an existing or former law of this 205
state, any other state, or the United States that is 206
substantially equivalent to any of the offenses or violations 207
described in division (A) (5) (a) of this section. 208

(6) Upon receipt of a request pursuant to section 5153.111 209
of the Revised Code, a completed form prescribed pursuant to 210
division (C) (1) of this section, and a set of fingerprint 211
impressions obtained in the manner described in division (C) (2) 212
of this section, the superintendent of the bureau of criminal 213
identification and investigation shall conduct a criminal 214
records check in the manner described in division (B) of this 215
section to determine whether any information exists that 216
indicates that the person who is the subject of the request 217
previously has been convicted of or pleaded guilty to any of the 218
following: 219

(a) A violation of section 2903.01, 2903.02, 2903.03, 220
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 221
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 222
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 223
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 224
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 225
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 226
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 227
Code, felonious sexual penetration in violation of former 228
section 2907.12 of the Revised Code, a violation of section 229
2905.04 of the Revised Code as it existed prior to July 1, 1996, 230

a violation of section 2919.23 of the Revised Code that would 231
have been a violation of section 2905.04 of the Revised Code as 232
it existed prior to July 1, 1996, had the violation been 233
committed prior to that date, or a violation of section 2925.11 234
of the Revised Code that is not a minor drug possession offense; 235

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (6) (a) of this section. 236
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(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 259
1321.53, or 4763.05 of the Revised Code, a completed form 260

prescribed pursuant to division (C)(1) of this section, and a 261
set of fingerprint impressions obtained in the manner described 262
in division (C)(2) of this section, the superintendent of the 263
bureau of criminal identification and investigation shall 264
conduct a criminal records check with respect to any person who 265
has applied for a license, permit, or certification from the 266
department of commerce or a division in the department. The 267
superintendent shall conduct the criminal records check in the 268
manner described in division (B) of this section to determine 269
whether any information exists that indicates that the person 270
who is the subject of the request previously has been convicted 271
of or pleaded guilty to any of the following: a violation of 272
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 273
Revised Code; any other criminal offense involving theft, 274
receiving stolen property, embezzlement, forgery, fraud, passing 275
bad checks, money laundering, or drug trafficking, or any 276
criminal offense involving money or securities, as set forth in 277
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 278
the Revised Code; or any existing or former law of this state, 279
any other state, or the United States that is substantially 280
equivalent to those offenses. 281

(9) On receipt of a request for a criminal records check 282
from the treasurer of state under section 113.041 of the Revised 283
Code or from an individual under section 4701.08, 4715.101, 284
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 285
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 286
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 287
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 288
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 289
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 290
4779.091, or 4783.04 of the Revised Code, accompanied by a 291

completed form prescribed under division (C)(1) of this section	292
and a set of fingerprint impressions obtained in the manner	293
described in division (C)(2) of this section, the superintendent	294
of the bureau of criminal identification and investigation shall	295
conduct a criminal records check in the manner described in	296
division (B) of this section to determine whether any	297
information exists that indicates that the person who is the	298
subject of the request has been convicted of or pleaded guilty	299
to any criminal offense in this state or any other state.	300
Subject to division (F) of this section, the superintendent	301
shall send the results of a check requested under section	302
113.041 of the Revised Code to the treasurer of state and shall	303
send the results of a check requested under any of the other	304
listed sections to the licensing board specified by the	305
individual in the request.	306
(10) On receipt of a request pursuant to section 124.74,	307
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a	308
completed form prescribed pursuant to division (C)(1) of this	309
section, and a set of fingerprint impressions obtained in the	310
manner described in division (C)(2) of this section, the	311
superintendent of the bureau of criminal identification and	312
investigation shall conduct a criminal records check in the	313
manner described in division (B) of this section to determine	314
whether any information exists that indicates that the person	315
who is the subject of the request previously has been convicted	316
of or pleaded guilty to any criminal offense under any existing	317
or former law of this state, any other state, or the United	318
States.	319
(11) On receipt of a request for a criminal records check	320
from an appointing or licensing authority under section 3772.07	321
of the Revised Code, a completed form prescribed under division	322

(C) (1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.	323 324 325 326 327 328 329 330 331 332 333 334
(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required under that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	335 336 337 338 339 340 341 342 343 344 345 346 347
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11,	348 349 350 351 352 353

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;	354 355 356
(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (12) (a) of this section.	357 358 359 360
(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:	361 362 363 364 365 366 367 368 369 370 371
(a) A disqualifying offense as specified in rules adopted under division (B) (2) (b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code;	372 373 374 375 376 377 378 379
(b) A disqualifying offense as specified in rules adopted under division (B) (2) (b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily	380 381 382 383

operation of, or an owner or prospective owner, officer or
prospective officer, or board member or prospective board member
of, an entity seeking a license from the state board of pharmacy
under Chapter 3796. of the Revised Code. 384
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(14) On receipt of a request required by section 3796.13
of the Revised Code, a completed form prescribed pursuant to
division (C) (1) of this section, and a set of fingerprint
impressions obtained in a manner described in division (C) (2) of
this section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal
records check in the manner described in division (B) of this
section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to the
following: 388
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(a) A disqualifying offense as specified in rules adopted
under division (B) (8) (a) of section 3796.03 of the Revised Code
if the person who is the subject of the request is seeking
employment with an entity licensed by the department of commerce
under Chapter 3796. of the Revised Code; 399
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(b) A disqualifying offense as specified in rules adopted
under division (B) (14) (a) of section 3796.04 of the Revised Code
if the person who is the subject of the request is seeking
employment with an entity licensed by the state board of
pharmacy under Chapter 3796. of the Revised Code. 404
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(15) On receipt of a request pursuant to section 4768.06
of the Revised Code, a completed form prescribed under division
(C) (1) of this section, and a set of fingerprint impressions
obtained in the manner described in division (C) (2) of this
section, the superintendent of the bureau of criminal 409
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identification and investigation shall conduct a criminal 414
records check in the manner described in division (B) of this 415
section to determine whether any information exists indicating 416
that the person who is the subject of the request has been 417
convicted of or pleaded guilty to a felony in this state or in 418
any other state. 419

(16) On receipt of a request pursuant to division (B) of 420
section 4764.07 of the Revised Code, a completed form prescribed 421
under division (C)(1) of this section, and a set of fingerprint 422
impressions obtained in the manner described in division (C)(2) 423
of this section, the superintendent of the bureau of criminal 424
identification and investigation shall conduct a criminal 425
records check in the manner described in division (B) of this 426
section to determine whether any information exists indicating 427
that the person who is the subject of the request has been 428
convicted of or pleaded guilty to any crime of moral turpitude, 429
a felony, or an equivalent offense in any other state or the 430
United States. 431

(17) On receipt of a request for a criminal records check 432
under section 147.022 of the Revised Code, a completed form 433
prescribed under division (C)(1) of this section, and a set of 434
fingerprint impressions obtained in the manner prescribed in 435
division (C)(2) of this section, the superintendent of the 436
bureau of criminal identification and investigation shall 437
conduct a criminal records check in the manner described in 438
division (B) of this section to determine whether any 439
information exists that indicates that the person who is the 440
subject of the request previously has been convicted of or 441
pleaded guilty or no contest to any disqualifying offense, as 442
defined in section 147.011 of the Revised Code, or to any 443
offense under any existing or former law of this state, any 444

other state, or the United States that is substantially 445
equivalent to such a disqualifying offense. 446

(18) On receipt of a request pursuant to section 3775.07 447
of the Revised Code, a completed form prescribed under division 448
(C) (1) of this section, and a set of fingerprint impressions 449
obtained in the manner described in division (C) (2) of this 450
section, the superintendent of the bureau of criminal 451
identification and investigation shall conduct a criminal 452
records check in the manner described in division (B) of this 453
section to determine whether any information exists indicating 454
that the individual who is the subject of the request has been 455
convicted of or pleaded guilty or no contest to any offense 456
under any existing or former law of this state, any other state, 457
or the United States. 458

(B) Subject to division (F) of this section, the 459
superintendent shall conduct any criminal records check to be 460
conducted under this section as follows: 461

(1) The superintendent shall review or cause to be 462
reviewed any relevant information gathered and compiled by the 463
bureau under division (A) of section 109.57 of the Revised Code 464
that relates to the person who is the subject of the criminal 465
records check, including, if the criminal records check was 466
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 467
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 468
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 469
3721.121, 3772.07, 3775.07, 3796.12, 3796.13, 4729.071, 4729.53, 470
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 471
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 472
5153.111 of the Revised Code, any relevant information contained 473
in records that have been sealed under section 2953.32 of the 474

Revised Code;	475
(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.	476 477 478 479 480 481 482 483 484 485 486 487 488 489 490
(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.	491 492 493 494 495
(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.	496 497 498 499 500 501 502 503
(5) The superintendent shall send the results of the	504

criminal records check to the person to whom it is to be sent 505
not later than the following number of days after the date the 506
superintendent receives the request for the criminal records 507
check, the completed form prescribed under division (C)(1) of 508
this section, and the set of fingerprint impressions obtained in 509
the manner described in division (C)(2) of this section: 510

(a) If the superintendent is required by division (A) of 511
this section (other than division (A)(3) of this section) to 512
conduct the criminal records check, thirty; 513

(b) If the superintendent is required by division (A)(3) 514
of this section to conduct the criminal records check, sixty. 515

(C)(1) The superintendent shall prescribe a form to obtain 516
the information necessary to conduct a criminal records check 517
from any person for whom a criminal records check is to be 518
conducted under this section. The form that the superintendent 519
prescribes pursuant to this division may be in a tangible 520
format, in an electronic format, or in both tangible and 521
electronic formats. 522

(2) The superintendent shall prescribe standard impression 523
sheets to obtain the fingerprint impressions of any person for 524
whom a criminal records check is to be conducted under this 525
section. Any person for whom a records check is to be conducted 526
under this section shall obtain the fingerprint impressions at a 527
county sheriff's office, municipal police department, or any 528
other entity with the ability to make fingerprint impressions on 529
the standard impression sheets prescribed by the superintendent. 530
The office, department, or entity may charge the person a 531
reasonable fee for making the impressions. The standard 532
impression sheets the superintendent prescribes pursuant to this 533
division may be in a tangible format, in an electronic format, 534

or in both tangible and electronic formats. 535

(3) Subject to division (D) of this section, the 536
superintendent shall prescribe and charge a reasonable fee for 537
providing a criminal records check under this section. The 538
person requesting the criminal records check shall pay the fee 539
prescribed pursuant to this division. In the case of a request 540
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 541
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 542
fee shall be paid in the manner specified in that section. 543

(4) The superintendent of the bureau of criminal 544
identification and investigation may prescribe methods of 545
forwarding fingerprint impressions and information necessary to 546
conduct a criminal records check, which methods shall include, 547
but not be limited to, an electronic method. 548

(D) The results of a criminal records check conducted 549
under this section, other than a criminal records check 550
specified in division (A) (7) of this section, are valid for the 551
person who is the subject of the criminal records check for a 552
period of one year from the date upon which the superintendent 553
completes the criminal records check. If during that period the 554
superintendent receives another request for a criminal records 555
check to be conducted under this section for that person, the 556
superintendent shall provide the results from the previous 557
criminal records check of the person at a lower fee than the fee 558
prescribed for the initial criminal records check. 559

(E) When the superintendent receives a request for 560
information from a registered private provider, the 561
superintendent shall proceed as if the request was received from 562
a school district board of education under section 3319.39 of 563
the Revised Code. The superintendent shall apply division (A) (1) 564

(c) of this section to any such request for an applicant who is	565
a teacher.	566
(F) (1) Subject to division (F) (2) of this section, all	567
information regarding the results of a criminal records check	568
conducted under this section that the superintendent reports or	569
sends under division (A) (7) or (9) of this section to the	570
director of public safety, the treasurer of state, or the	571
person, board, or entity that made the request for the criminal	572
records check shall relate to the conviction of the subject	573
person, or the subject person's plea of guilty to, a criminal	574
offense.	575
(2) Division (F) (1) of this section does not limit,	576
restrict, or preclude the superintendent's release of	577
information that relates to the arrest of a person who is	578
eighteen years of age or older, to an adjudication of a child as	579
a delinquent child, or to a criminal conviction of a person	580
under eighteen years of age in circumstances in which a release	581
of that nature is authorized under division (E) (2), (3), or (4)	582
of section 109.57 of the Revised Code pursuant to a rule adopted	583
under division (E) (1) of that section.	584
(G) As used in this section:	585
(1) "Criminal records check" means any criminal records	586
check conducted by the superintendent of the bureau of criminal	587
identification and investigation in accordance with division (B)	588
of this section.	589
(2) "Minor drug possession offense" has the same meaning	590
as in section 2925.01 of the Revised Code.	591
(3) "OVI or OVUAC violation" means a violation of section	592
4511.19 of the Revised Code or a violation of an existing or	593

former law of this state, any other state, or the United States 594
that is substantially equivalent to section 4511.19 of the 595
Revised Code. 596

(4) "Registered private provider" means a nonpublic school 597
or entity registered with the superintendent of public 598
instruction under section 3310.41 of the Revised Code to 599
participate in the autism scholarship program or section 3310.58 600
of the Revised Code to participate in the Jon Peterson special 601
needs scholarship program. 602

Sec. 718.031. As used in this section, "sports wagering 603
facility" has the same meaning as in section 5753.01 of the 604
Revised Code. 605

(A) A municipal corporation shall require a casino 606
facility or a casino operator, as defined in Section 6(C)(9) of 607
Article XV, Ohio Constitution, and section 3772.01 of the 608
Revised Code, respectively, or a lottery sales agent conducting 609
video lottery terminals on behalf of the state to withhold and 610
remit municipal income tax with respect to amounts other than 611
qualifying wages as provided in this section. 612

(B) If a person's winnings ~~at-a-from~~ casino facility 613
gaming or from sports wagering are an amount for which reporting 614
to the internal revenue service of the amount is required by 615
section 6041 of the Internal Revenue Code, as amended, ~~the-a-~~ 616
casino operator shall deduct and withhold municipal income tax 617
from the person's winnings at the rate of the tax imposed by the 618
municipal corporation in which the operator's casino facility or 619
sports wagering facility is located. 620

(C) Amounts deducted and withheld by a casino operator are 621
held in trust for the benefit of the municipal corporation to 622

which the tax is owed.	623
(1) On or before the tenth day of each month, the casino operator shall file a return electronically with the tax administrator of the municipal corporation, providing the name, address, and social security number of the person from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming <u>or sports wagering</u> that resulted in such winnings, and any other information required by the tax administrator. With this return, the casino operator shall remit electronically to the municipal corporation all amounts deducted and withheld during the preceding month.	624 625 626 627 628 629 630 631 632 633 634 635
(2) Annually, on or before the thirty-first day of January, a casino operator shall file an annual return electronically with the tax administrator of the municipal corporation in which the casino facility <u>or sports wagering facility</u> is located, indicating the total amount deducted and withheld during the preceding calendar year. The casino operator shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.	636 637 638 639 640 641 642 643 644 645 646 647 648
(3) Annually, on or before the thirty-first day of January, a casino operator shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information	649 650 651 652

return shall show the total amount of municipal income tax 653
deducted from the person's winnings during the preceding year. 654
The casino operator shall provide to the tax administrator a 655
copy of each information return issued under this division. The 656
administrator may require that such copies be transmitted 657
electronically. 658

(4) A casino operator that fails to file a return and 659
remit the amounts deducted and withheld shall be personally 660
liable for the amount withheld and not remitted. Such personal 661
liability extends to any penalty and interest imposed for the 662
late filing of a return or the late payment of tax deducted and 663
withheld. 664

(5) If a casino operator sells the casino facility or 665
sports wagering facility, or otherwise quits the casino or 666
sports wagering business, the amounts deducted and withheld 667
along with any penalties and interest thereon are immediately 668
due and payable. The successor shall withhold an amount of the 669
purchase money that is sufficient to cover the amounts deducted 670
and withheld along with any penalties and interest thereon until 671
the predecessor casino operator produces either of the 672
following: 673

(a) A receipt from the tax administrator showing that the 674
amounts deducted and withheld and penalties and interest thereon 675
have been paid; 676

(b) A certificate from the tax administrator indicating 677
that no amounts are due. 678

If the successor fails to withhold purchase money, the 679
successor is personally liable for the payment of the amounts 680
deducted and withheld and penalties and interest thereon. 681

(6) The failure of a casino operator to deduct and
withhold the required amount from a person's winnings does not
relieve that person from liability for the municipal income tax
with respect to those winnings. 682
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(D) If a person's winnings from sports wagering or prize
award from a video lottery terminal is an amount for which
reporting to the internal revenue service is required by section
6041 of the Internal Revenue Code, as amended, the-a video
lottery sales agent shall deduct and withhold municipal income
tax from the person's winnings or prize award at the rate of the
tax imposed by the municipal corporation in which the agent's
video lottery terminal facility or sports wagering facility is
located. 686
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(E) Amounts deducted and withheld by a video lottery sales
agent are held in trust for the benefit of the municipal
corporation to which the tax is owed. 695
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(1) The video lottery sales agent shall issue to a person
from whose winnings or prize award an amount has been deducted
and withheld a receipt for the amount deducted and withheld, and
shall obtain from the person receiving winnings or a prize award
the person's name, address, and social security number in order
to facilitate the preparation of returns required by this
section. 698
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(2) On or before the tenth day of each month, the video
lottery sales agent shall file a return electronically with the
tax administrator of the municipal corporation providing the
names, addresses, and social security numbers of the persons
from whose winnings or prize awards amounts were deducted and
withheld, the amount of each such deduction and withholding
during the preceding calendar month, the amount of the winnings 705
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or prize award from which each such amount was withheld, and any
other information required by the tax administrator. With the
return, the video lottery sales agent shall remit electronically
to the tax administrator all amounts deducted and withheld
during the preceding month.

(3) A video lottery sales agent shall maintain a record of
all receipts issued under division (E) of this section and shall
make those records available to the tax administrator upon
request. Such records shall be maintained in accordance with
section 5747.17 of the Revised Code and any rules adopted
pursuant thereto.

(4) Annually, on or before the thirty-first day of
January, each video lottery terminal sales agent shall file an
annual return electronically with the tax administrator of the
municipal corporation in which the facility is located
indicating the total amount deducted and withheld during the
preceding calendar year. The video lottery sales agent shall
remit electronically with the annual return any amount that was
deducted and withheld and that was not previously remitted. If
the name, address, or social security number of a person or the
amount deducted and withheld with respect to that person was
omitted on a monthly return for that reporting period, that
information shall be indicated on the annual return.

(5) Annually, on or before the thirty-first day of
January, a video lottery sales agent shall issue an information
return to each person with respect to whom an amount has been
deducted and withheld during the preceding calendar year. The
information return shall show the total amount of municipal
income tax deducted and withheld from the person's winnings or
prize award by the video lottery sales agent during the

preceding year. A video lottery sales agent shall provide to the
tax administrator of the municipal corporation a copy of each
information return issued under this division. The tax
administrator may require that such copies be transmitted
electronically.

(6) A video lottery sales agent who fails to file a return
and remit the amounts deducted and withheld is personally liable
for the amount deducted and withheld and not remitted. Such
personal liability extends to any penalty and interest imposed
for the late filing of a return or the late payment of tax
deducted and withheld.

(F) If a video lottery sales agent ceases to operate video
lottery terminals, sells a sports wagering facility, or
otherwise quits the sports wagering business, the amounts
deducted and withheld along with any penalties and interest
thereon are immediately due and payable. The successor of the
video lottery sales agent ~~that purchases the video lottery~~
~~terminals from the agent~~ shall withhold an amount from the
purchase money that is sufficient to cover the amounts deducted
and withheld and any penalties and interest thereon until the
predecessor video lottery sales agent operator produces either
of the following:

(1) A receipt from the tax administrator showing that the
amounts deducted and withheld and penalties and interest thereon
have been paid;

(2) A certificate from the tax administrator indicating
that no amounts are due.

If the successor fails to withhold purchase money, the
successor is personally liable for the payment of the amounts

deducted and withheld and penalties and interest thereon. 771

(G) The failure of a video lottery sales agent to deduct 772
and withhold the required amount from a person's winnings or 773
prize ~~award~~awards does not relieve that person from liability 774
for the municipal income tax with respect to ~~that~~those winnings 775
or prize~~award~~awards. 776

(H) If a casino operator or lottery sales agent files a 777
return late, fails to file a return, remits amounts deducted and 778
withheld late, or fails to remit amounts deducted and withheld 779
as required under this section, the tax administrator of a 780
municipal corporation may impose the following applicable 781
penalty: 782

(1) For the late remittance of, or failure to remit, tax 783
deducted and withheld under this section, a penalty equal to 784
fifty per cent of the tax deducted and withheld; 785

(2) For the failure to file, or the late filing of, a 786
monthly or annual return, a penalty of five hundred dollars for 787
each return not filed or filed late. Interest shall accrue on 788
past due amounts deducted and withheld at the rate prescribed in 789
section 5703.47 of the Revised Code. 790

(I) Amounts deducted and withheld on behalf of a municipal 791
corporation shall be allowed as a credit against payment of the 792
tax imposed by the municipal corporation and shall be treated as 793
taxes paid for purposes of section 718.08 of the Revised Code. 794
This division applies only to the person for whom the amount is 795
deducted and withheld. 796

(J) The tax administrator shall prescribe the forms of the 797
receipts and returns required under this section. 798

Sec. 2915.01. As used in this chapter: 799

(A) "Bookmaking" means the business of receiving or paying off bets.	800 801
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk. <u>"Bet" does not include sports wagering as permitted in Chapter 3775. of the Revised Code.</u>	802 803 804 805 806
(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:	807 808 809 810 811 812 813 814 815 816 817 818
(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;	819 820 821
(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;	822 823 824
(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;	825 826 827 828

(4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;	829 830 831
(5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;	832 833 834
(6) A participant may use the electronic device to purchase additional game entries;	835 836
(7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;	837 838 839
(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or	840 841 842
(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.	843 844 845
As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors.	846 847 848 849 850 851
(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.	852 853 854 855
(E) "Game of chance conducted for profit" means any game	856

of chance designed to produce income for the person who conducts	857
or operates the game of chance, but does not include bingo.	858
(F) "Gambling device" means any of the following:	859
(1) A book, totalizer, or other equipment for recording	860
bets;	861
(2) A ticket, token, or other device representing a	862
chance, share, or interest in a scheme of chance or evidencing a	863
bet;	864
(3) A deck of cards, dice, gaming table, roulette wheel,	865
slot machine, or other apparatus designed for use in connection	866
with a game of chance;	867
(4) Any equipment, device, apparatus, or paraphernalia	868
specially designed for gambling purposes;	869
(5) Bingo supplies sold or otherwise provided, or used, in	870
violation of this chapter.	871
(G) "Gambling offense" means any of the following:	872
(1) A violation of section 2915.02, 2915.03, 2915.04,	873
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,	874
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	875
(2) A violation of an existing or former municipal	876
ordinance or law of this or any other state or the United States	877
substantially equivalent to any section listed in division (G)	878
(1) of this section or a violation of section 2915.06 of the	879
Revised Code as it existed prior to July 1, 1996;	880
(3) An offense under an existing or former municipal	881
ordinance or law of this or any other state or the United	882
States, of which gambling is an element;	883

(4) A conspiracy or attempt to commit, or complicity in
committing, any offense under division (G)(1), (2), or (3) of
this section. 884
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(H) Except as otherwise provided in this chapter,
"charitable organization" means either of the following: 887
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(1) An organization that is, and has received from the
internal revenue service a determination letter that currently
is in effect stating that the organization is, exempt from
federal income taxation under subsection 501(a) and described in
subsection 501(c)(3) of the Internal Revenue Code; 889
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(2) A volunteer rescue service organization, volunteer
firefighter's organization, veteran's organization, fraternal
organization, or sporting organization that is exempt from
federal income taxation under subsection 501(c)(4), (c)(7), (c)
(8), (c)(10), or (c)(19) of the Internal Revenue Code. 894
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To qualify as a "charitable organization," an organization
shall have been in continuous existence as such in this state
for a period of two years immediately preceding either the
making of an application for a bingo license under section
2915.08 of the Revised Code or the conducting of any game of
chance as provided in division (D) of section 2915.02 of the
Revised Code. 899
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(I) "Religious organization" means any church, body of
communicants, or group that is not organized or operated for
profit and that gathers in common membership for regular worship
and religious observances. 906
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(J) "Veteran's organization" means any individual post or
state headquarters of a national veteran's association or an
auxiliary unit of any individual post of a national veteran's 910
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association, which post, state headquarters, or auxiliary unit 913
is incorporated as a nonprofit corporation and either has 914
received a letter from the state headquarters of the national 915
veteran's association indicating that the individual post or 916
auxiliary unit is in good standing with the national veteran's 917
association or has received a letter from the national veteran's 918
association indicating that the state headquarters is in good 919
standing with the national veteran's association. As used in 920
this division, "national veteran's association" means any 921
veteran's association that has been in continuous existence as 922
such for a period of at least five years and either is 923
incorporated by an act of the United States congress or has a 924
national dues-paying membership of at least five thousand 925
persons. 926

(K) "Volunteer firefighter's organization" means any 927
organization of volunteer firefighters, as defined in section 928
146.01 of the Revised Code, that is organized and operated 929
exclusively to provide financial support for a volunteer fire 930
department or a volunteer fire company and that is recognized or 931
ratified by a county, municipal corporation, or township. 932

(L) "Fraternal organization" means any society, order, 933
state headquarters, or association within this state, except a 934
college or high school fraternity, that is not organized for 935
profit, that is a branch, lodge, or chapter of a national or 936
state organization, that exists exclusively for the common 937
business or sodality of its members. 938

(M) "Volunteer rescue service organization" means any 939
organization of volunteers organized to function as an emergency 940
medical service organization, as defined in section 4765.01 of 941
the Revised Code. 942

(N) "Charitable bingo game" means any bingo game described in division (O)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.	943 944 945 946 947
(O) "Bingo" means either of the following:	948
(1) A game with all of the following characteristics:	949
(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.	950 951 952 953 954 955 956
(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.	957 958 959
(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.	960 961 962 963 964 965 966 967
(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (O)(1)(c) of this section, that a predetermined and preannounced	968 969 970 971

pattern of spaces has been covered on a bingo card or sheet being used by the participant.	972 973
(2) Instant bingo, punch boards, and raffles.	974
(P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.	975 976 977
(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.	978 979 980 981 982 983 984 985 986 987 988 989 990
(R) "Participant" means any person who plays bingo.	991
(S) "Bingo session" means a period that includes both of the following:	992 993
(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and seal cards;	994 995 996
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.	997 998 999 1000

(T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

(U) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax

exempt under subsection 501(a) and described in subsection	1030
501(c)(3) of the Internal Revenue Code;	1031
(2) A veteran's organization that is a post, chapter, or	1032
organization of veterans, or an auxiliary unit or society of, or	1033
a trust or foundation for, any such post, chapter, or	1034
organization organized in the United States or any of its	1035
possessions, at least seventy-five per cent of the members of	1036
which are veterans and substantially all of the other members of	1037
which are individuals who are spouses, widows, or widowers of	1038
veterans, or such individuals, provided that no part of the net	1039
earnings of such post, chapter, or organization inures to the	1040
benefit of any private shareholder or individual, and further	1041
provided that the net profit is used by the post, chapter, or	1042
organization for the charitable purposes set forth in division	1043
(B)(12) of section 5739.02 of the Revised Code, is used for	1044
awarding scholarships to or for attendance at an institution	1045
mentioned in division (B)(12) of section 5739.02 of the Revised	1046
Code, is donated to a governmental agency, or is used for	1047
nonprofit youth activities, the purchase of United States or	1048
Ohio flags that are donated to schools, youth groups, or other	1049
bona fide nonprofit organizations, promotion of patriotism, or	1050
disaster relief;	1051
(3) A fraternal organization that has been in continuous	1052
existence in this state for fifteen years and that uses the net	1053
profit exclusively for religious, charitable, scientific,	1054
literary, or educational purposes, or for the prevention of	1055
cruelty to children or animals, if contributions for such use	1056
would qualify as a deductible charitable contribution under	1057
subsection 170 of the Internal Revenue Code;	1058
(4) A volunteer firefighter's organization that uses the	1059

net profit for the purposes set forth in division (K) of this 1060
section. 1061

(W) "Internal Revenue Code" means the "Internal Revenue 1062
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 1063
amended. 1064

(X) "Youth athletic organization" means any organization, 1065
not organized for profit, that is organized and operated 1066
exclusively to provide financial support to, or to operate, 1067
athletic activities for persons who are twenty-one years of age 1068
or younger by means of sponsoring, organizing, operating, or 1069
contributing to the support of an athletic team, club, league, 1070
or association. 1071

(Y) "Youth athletic park organization" means any 1072
organization, not organized for profit, that satisfies both of 1073
the following: 1074

(1) It owns, operates, and maintains playing fields that 1075
satisfy both of the following: 1076

(a) The playing fields are used at least one hundred days 1077
per year for athletic activities by one or more organizations, 1078
not organized for profit, each of which is organized and 1079
operated exclusively to provide financial support to, or to 1080
operate, athletic activities for persons who are eighteen years 1081
of age or younger by means of sponsoring, organizing, operating, 1082
or contributing to the support of an athletic team, club, 1083
league, or association. 1084

(b) The playing fields are not used for any profit-making 1085
activity at any time during the year. 1086

(2) It uses the proceeds of bingo it conducts exclusively 1087
for the operation, maintenance, and improvement of its playing 1088

fields of the type described in division (Y)(1) of this section. 1089

(Z) "Bingo supplies" means bingo cards or sheets; instant 1090
bingo tickets or cards; electronic bingo aids; raffle tickets; 1091
punch boards; seal cards; instant bingo ticket dispensers; and 1092
devices for selecting or displaying the combination of bingo 1093
letters and numbers or raffle tickets. Items that are "bingo 1094
supplies" are not gambling devices if sold or otherwise 1095
provided, and used, in accordance with this chapter. For 1096
purposes of this chapter, "bingo supplies" are not to be 1097
considered equipment used to conduct a bingo game. 1098

(AA) "Instant bingo" means a form of bingo that shall use 1099
folded or banded tickets or paper cards with perforated break- 1100
open tabs, a face of which is covered or otherwise hidden from 1101
view to conceal a number, letter, or symbol, or set of numbers, 1102
letters, or symbols, some of which have been designated in 1103
advance as prize winners, and may also include games in which 1104
some winners are determined by the random selection of one or 1105
more bingo numbers by the use of a seal card or bingo blower. In 1106
all "instant bingo" the prize amount and structure shall be 1107
predetermined. "Instant bingo" does not include any device that 1108
is activated by the insertion of a coin, currency, token, or an 1109
equivalent, and that contains as one of its components a video 1110
display monitor that is capable of displaying numbers, letters, 1111
symbols, or characters in winning or losing combinations. 1112

(BB) "Seal card" means a form of instant bingo that uses 1113
instant bingo tickets in conjunction with a board or placard 1114
that contains one or more seals that, when removed or opened, 1115
reveal predesignated winning numbers, letters, or symbols. 1116

(CC) "Raffle" means a form of bingo in which the one or 1117
more prizes are won by one or more persons who have purchased a 1118

raffle ticket. The one or more winners of the raffle are 1119
determined by drawing a ticket stub or other detachable section 1120
from a receptacle containing ticket stubs or detachable sections 1121
corresponding to all tickets sold for the raffle. "Raffle" does 1122
not include the drawing of a ticket stub or other detachable 1123
section of a ticket purchased to attend a professional sporting 1124
event if both of the following apply: 1125

(1) The ticket stub or other detachable section is used to 1126
select the winner of a free prize given away at the professional 1127
sporting event; and 1128

(2) The cost of the ticket is the same as the cost of a 1129
ticket to the professional sporting event on days when no free 1130
prize is given away. 1131

(DD) "Punch board" means a board containing a number of 1132
holes or receptacles of uniform size in which are placed, 1133
mechanically and randomly, serially numbered slips of paper that 1134
may be punched or drawn from the hole or receptacle when used in 1135
conjunction with instant bingo. A player may punch or draw the 1136
numbered slips of paper from the holes or receptacles and obtain 1137
the prize established for the game if the number drawn 1138
corresponds to a winning number or, if the punch board includes 1139
the use of a seal card, a potential winning number. 1140

(EE) "Gross profit" means gross receipts minus the amount 1141
actually expended for the payment of prize awards. 1142

(FF) "Net profit" means gross profit minus expenses. 1143

(GG) "Expenses" means the reasonable amount of gross 1144
profit actually expended for all of the following: 1145

(1) The purchase or lease of bingo supplies; 1146

(2) The annual license fee required under section 2915.08 of the Revised Code;	1147 1148
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	1149 1150
(4) Audits and accounting services;	1151
(5) Safes;	1152
(6) Cash registers;	1153
(7) Hiring security personnel;	1154
(8) Advertising bingo;	1155
(9) Renting premises in which to conduct a bingo session;	1156
(10) Tables and chairs;	1157
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	1158 1159 1160 1161 1162
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	1163 1164
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	1165 1166 1167 1168
(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	1169 1170 1171
(II) "Revoke" means to void permanently all rights and	1172

privileges of the holder of a license issued under section	1173
2915.08, 2915.081, or 2915.082 of the Revised Code or a	1174
charitable gaming license issued by another jurisdiction.	1175
(JJ) "Suspend" means to interrupt temporarily all rights	1176
and privileges of the holder of a license issued under section	1177
2915.08, 2915.081, or 2915.082 of the Revised Code or a	1178
charitable gaming license issued by another jurisdiction.	1179
(KK) "Distributor" means any person who purchases or	1180
obtains bingo supplies and who does either of the following:	1181
(1) Sells, offers for sale, or otherwise provides or	1182
offers to provide the bingo supplies to another person for use	1183
in this state;	1184
(2) Modifies, converts, adds to, or removes parts from the	1185
bingo supplies to further their promotion or sale for use in	1186
this state.	1187
(LL) "Manufacturer" means any person who assembles	1188
completed bingo supplies from raw materials, other items, or	1189
subparts or who modifies, converts, adds to, or removes parts	1190
from bingo supplies to further their promotion or sale.	1191
(MM) "Gross annual revenues" means the annual gross	1192
receipts derived from the conduct of bingo described in division	1193
(O) (1) of this section plus the annual net profit derived from	1194
the conduct of bingo described in division (O) (2) of this	1195
section.	1196
(NN) "Instant bingo ticket dispenser" means a mechanical	1197
device that dispenses an instant bingo ticket or card as the	1198
sole item of value dispensed and that has the following	1199
characteristics:	1200

(1) It is activated upon the insertion of United States currency.	1201
	1202
(2) It performs no gaming functions.	1203
(3) It does not contain a video display monitor or generate noise.	1204
	1205
(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.	1206
	1207
(5) It does not simulate or display rolling or spinning reels.	1208
	1209
(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.	1210
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(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.	1214
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	1216
(8) It is not part of an electronic network and is not interactive.	1217
	1218
(OO) (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:	1219
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	1222
(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.	1223
	1224
(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.	1225
	1226
	1227

(c) It identifies a winning bingo pattern.	1228
(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.	1229 1230 1231
(PP) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.	1232 1233
(QQ) (1) "Slot machine" means either of the following:	1234
(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;	1235 1236 1237 1238
(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.	1239 1240 1241 1242
(2) "Slot machine" does not include a skill-based amusement machine or an instant bingo ticket dispenser.	1243 1244
(RR) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies, and, in the case of instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo is conducted.	1245 1246 1247 1248 1249 1250 1251 1252
(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the	1253 1254 1255

Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) (3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.	1256 1257 1258 1259 1260 1261 1262 1263 1264 1265
(TT) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:	1266 1267 1268 1269
(1) The name of the game;	1270
(2) The manufacturer's name or distinctive logo;	1271
(3) The form number;	1272
(4) The ticket count;	1273
(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;	1274 1275 1276 1277
(6) The cost per play;	1278
(7) The serial number of the game.	1279
(UU) (1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise	1280 1281 1282 1283

prizes, provided that with respect to rewards for playing the game all of the following apply:	1284
	1285
(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;	1286
	1287
	1288
(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;	1289
	1290
	1291
(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and	1292
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(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.	1297
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	1299
A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.	1300
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(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:	1307
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	1309
(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.	1310
	1311
	1312

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;	1313 1314 1315
(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.	1316 1317 1318 1319
(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.	1320 1321
(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.	1322 1323
(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.	1324 1325 1326
(3) All of the following apply to any machine that is operated as described in division (UU) (1) of this section:	1327 1328
(a) As used in division (UU) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.	1329 1330 1331 1332 1333 1334 1335
(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.	1336 1337 1338 1339 1340

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.	1341 1342 1343 1344 1345 1346 1347
(4) For purposes of division (UU)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.	1348 1349 1350 1351 1352
(VV) "Merchandise prize" means any item of value, but shall not include any of the following:	1353 1354
(1) Cash, gift cards, or any equivalent thereof;	1355
(2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;	1356 1357
(3) Firearms, tobacco, or alcoholic beverages; or	1358
(4) A redeemable voucher that is redeemable for any of the items listed in division (VV)(1), (2), or (3) of this section.	1359 1360
(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.	1361 1362
(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.	1363 1364 1365 1366
(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school	1367 1368

fraternity or sorority, that is not organized for profit, that	1369
is affiliated with a state or national sporting organization,	1370
including but not limited to, the league of Ohio sportsmen, and	1371
that has been in continuous existence in this state for a period	1372
of three years.	1373
(22) "Community action agency" has the same meaning as in	1374
section 122.66 of the Revised Code.	1375
(AAA) (1) "Sweepstakes terminal device" means a mechanical,	1376
video, digital, or electronic machine or device that is owned,	1377
leased, or otherwise possessed by any person conducting a	1378
sweepstakes, or by that person's partners, affiliates,	1379
subsidiaries, or contractors, that is intended to be used by a	1380
sweepstakes participant, and that is capable of displaying	1381
information on a screen or other mechanism. A device is a	1382
sweepstakes terminal device if any of the following apply:	1383
(a) The device uses a simulated game terminal as a	1384
representation of the prizes associated with the results of the	1385
sweepstakes entries.	1386
(b) The device utilizes software such that the simulated	1387
game influences or determines the winning of or value of the	1388
prize.	1389
(c) The device selects prizes from a predetermined finite	1390
pool of entries.	1391
(d) The device utilizes a mechanism that reveals the	1392
content of a predetermined sweepstakes entry.	1393
(e) The device predetermines the prize results and stores	1394
those results for delivery at the time the sweepstakes entry	1395
results are revealed.	1396

(f) The device utilizes software to create a game result.	1397
(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.	1398 1399 1400
(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.	1401 1402
(2) As used in this division and in section 2915.02 of the Revised Code:	1403 1404
(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.	1405 1406
(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.	1407 1408 1409
(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.	1410 1411 1412 1413 1414
(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.	1415 1416 1417 1418
(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter	1419 1420 1421 1422 1423 1424

3769. of the Revised Code, lotteries conducted by the state 1425
lottery commission as authorized by Chapter 3770. of the Revised 1426
Code, and casino gaming as authorized by Chapter 3772. of the 1427
Revised Code. 1428

Sec. 3775.01. As used in this chapter:

(A) "Casino operator" has the same meaning as in section 1430
3772.01 of the Revised Code. 1431

(B) "Collegiate sport or athletic event" means a sport or 1432
athletic event in which two or more individuals participate in 1433
sports or athletic events offered, sponsored by, or played in 1434
connection with a public or private institution that offers 1435
educational services beyond the secondary level. 1436

(C) "Commission" means the Ohio casino control commission. 1437

(D) "Gross receipts" means the total amount of cash and 1438
cash equivalents paid by sports wagering patrons to a sports 1439
wagering operator to participate in sports wagering. 1440

(E) "Legal gaming facility" means the following: 1441

(1) A casino facility; or 1442

(2) A facility operated by a licensed video lottery sales 1443
agent and owned by a holder of a permit as defined in rule 3769- 1444
1-05 of the Administrative Code. 1445

(F) "Licensed supplier" means a person holding a 1446
supplier's license issued by the commission. 1447

(G) "Online sports pool" means sports wagering in which 1448
wagers on sporting events are made through computers or mobile 1449
devices and accepted at a legal gaming facility through an 1450
online gaming system that is operated by a sports wagering 1451

<u>operator.</u>	1452
<u>(H) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.</u>	1453 1454 1455 1456 1457 1458 1459 1460 1461 1462 1463 1464
<u>(I) "Professional sport or athletic event" means an event at which two or more individuals participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.</u>	1465 1466 1467 1468
<u>(J) "Sporting event" means any professional sport or athletic event, any collegiate sport or athletic event, any Olympic or international sports competition event, any motor race event, or any other special event authorized by the commission under this chapter.</u>	1469 1470 1471 1472 1473
<u>(K) "Sports governing body" means the organization that prescribes final rules and enforces codes of conduct with respect to a sporting event and the participants in the sporting event.</u>	1474 1475 1476 1477
<u>(L) "Sports wagering" means the business of accepting wagers on sporting events, the individual performance statistics of athletes in a sporting event, or a combination of any of the</u>	1478 1479 1480

<u>same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms that utilize communications technology to accept wagers originating within this state.</u>	1481
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<u>"Sports wagering" includes, but is not limited to, exchange wagering, parlays, over-under, moneyline, pools, in-game wagering, single-game bets, teaser bets, in-play bets, proposition bets, and straight bets. "Sports wagering" does not include "casino gaming" as defined in section 3772.01 of the Revised Code, and does not include entry fees to participate in fantasy contests under Chapter 3774. of the Revised Code, or horse racing where the pari-mutuel system of wagering is conducted as authorized under Chapter 3769. of the Revised Code.</u>	1485
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<u>(M) "Sports wagering account" means an electronic account that may be established by an individual for the purpose of sports wagering, including deposits, withdrawals, wagered amounts, and payouts on winning wagers.</u>	1494
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<u>(N) "Sports wagering device" means a mechanical, electrical, or computerized contrivance, terminal, device, apparatus, piece of equipment, or related supplies approved by the commission for conducting sports wagering at a legal gaming facility. "Sports wagering device" does not include a patron's personal computer, mobile device, or other device used solely to transmit information and input to a device used to conduct sports wagering at a legal gaming facility.</u>	1498
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<u>(O) "Sports wagering operator" or "operator" means a casino operator or video lottery sales agent issued a certificate of authority by the commission to conduct sports wagering.</u>	1506
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<u>(P) "Supplier's license" means a license issued by the</u>	1510

<u>commission to supply sports wagering devices to sports wagering operators.</u>	1511
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<u>(Q) "Video lottery sales agent" has the same meaning as in section 3770:2-2-01 of the Ohio Administrative Code.</u>	1513
	1514
<u>(R) "Wager" means a sum of money or thing of value risked on an uncertain occurrence.</u>	1515
	1516
<u>Sec. 3775.02. (A) The commission may accept applications for a certificate to conduct sports wagering from any casino operator or video lottery sales agent that wishes to offer sports wagering under this chapter. The commission shall prescribe the form of the application by rule.</u>	1517
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<u>(B) A casino operator or video lottery sales agent that wishes to offer sports wagering under this chapter shall do both of the following:</u>	1522
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<u>(1) Submit an application to the commission in the manner prescribed by the commission for each legal gaming facility in which the applicant wishes to conduct sports wagering;</u>	1525
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	1527
<u>(2) Pay a nonrefundable fee of one hundred thousand dollars for the first certificate issued to the casino operator or video lottery sales agent.</u>	1528
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<u>(C) Upon receipt of the application and fee required by division (B) of this section, the commission shall issue to a casino operator or video lottery sales agent that satisfies the qualification requirements established by the commission a certificate authorizing the casino operator or video lottery sales agent to conduct sports wagering under this chapter in a designated legal gaming facility.</u>	1531
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<u>(D) A sports wagering operator shall pay a nonrefundable</u>	1538

administrative fee of one hundred thousand dollars to the 1539
commission. The fee imposed by this division is due five years 1540
after the date on which the sports wagering operator commences 1541
sports wagering operations under this chapter and every five 1542
years thereafter, provided the sports wagering operator 1543
continues to meet all qualification requirements in rules 1544
adopted by the commission. The commission shall deposit 1545
administrative fees received under this division in the state 1546
sports wagering revenue fund established by division (G) of this 1547
section. 1548

(E) (1) A sports wagering operator may contract with a 1549
licensed management services provider to conduct its sports 1550
wagering, including its online sports pool, in accordance with 1551
this chapter and any rules adopted by the commission. 1552

(2) A person may obtain a management services provider 1553
license from the commission by meeting all requirements for 1554
licensure in rules adopted by the commission and by paying a 1555
nonrefundable license and application fee of ten thousand 1556
dollars. The commission may accept licensing by another 1557
jurisdiction with similar licensing requirements as evidence the 1558
applicant meets the requirements to be a licensed management 1559
services provider. 1560

(3) A management services provider license shall be 1561
renewed annually if the licensee is in compliance with all 1562
requirements and pays a nonrefundable annual renewal fee of one 1563
thousand dollars. The commission shall deposit fees received 1564
under this division in the state sports wagering revenue fund 1565
created in division (G) of this section. 1566

(4) A licensed management services provider shall fulfill 1567
the sports wagering operator's duties under this chapter and 1568

shall be subject to all applicable provisions of this chapter to 1569
the same extent as the sports wagering operator. 1570

(5) A licensed management services provider may operate an 1571
online sports pool on behalf of the sports wagering operator 1572
with which it has a contract and shall be subject to all 1573
applicable provisions of this chapter to the same extent as the 1574
sports wagering operator. 1575

(F) The commission shall issue supplier's licenses 1576
consistent with its procedures for issuing gaming-related vendor 1577
licenses under sections 3772.12 and 3772.121 of the Revised 1578
Code. 1579

(G) There is created the state sports wagering revenue 1580
fund, which shall be in the custody of the treasurer of state 1581
but shall not be part of the state treasury. All fees collected 1582
by the commission in connection with the operation of sports 1583
wagering shall be deposited into the fund. The treasurer of 1584
state shall invest any portion of the fund not needed for 1585
immediate use in the same manner as, and subject to all 1586
provisions of law with respect to the investment of, state 1587
funds. The treasurer of state shall disburse money from the fund 1588
on order of the executive director of the commission or the 1589
executive director's designee. 1590

Sec. 3775.03. (A) A sports wagering operator shall accept 1591
wagers on sporting events authorized under this chapter from an 1592
individual who is physically present in the area of a legal 1593
gaming facility designated under section 3775.05 of the Revised 1594
Code where authorized sports wagering occurs, or from an 1595
individual who wagers by means of a sports wagering device 1596
located in the legal gaming facility as authorized by the 1597
commission. An individual placing a wager on a sporting event 1598

shall be at least twenty-one years of age.

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(B) (1) A sports wagering operator may accept a wager from 1600
an individual physically located within this state using a 1601
mobile or other digital platform through the individual's sports 1602
wagering account. An individual must establish a sports wagering 1603
account with a sports wagering operator before a sports wagering 1604
operator may accept any wager that utilizes a sports wagering 1605
account. A sports wagering account shall be in the name of an 1606
individual and may not be in the name of any beneficiary, 1607
custodian, joint trust, corporation, partnership, or other 1608
organization or entity. A sports wagering account may be 1609
established and funded in person through employees or sales 1610
agents of a sports wagering operator or, pursuant to rules 1611
adopted by the commission, over the internet through a sports 1612
wagering operator's web site or mobile application in a manner 1613
that complies with the internal controls of the sports wagering 1614
operator. 1615

(2) A sports wagering operator may use the same brand as 1616
its legal gaming facility to provide an online sports pool web 1617
site. Each web site may have an accompanying mobile application 1618
bearing the same brand as the web site. The server hosting a web 1619
site shall be located within a restricted area of the legal 1620
gaming facility or in another secure facility in the United 1621
States owned or operated by the sports wagering operator or its 1622
management services provider. 1623

(C) A sports wagering operator may accept wagers from an 1624
individual physically located in a state or jurisdiction with 1625
which the commission has entered into a sports wagering 1626
agreement under section 3775.04 of the Revised Code using a 1627
mobile or other digital platform through the individual's sports 1628

wagering account, so long as the platform is approved by the	1629
commission and all other requirements of the agreement are	1630
satisfied, and so long as accepting wagers from a person not	1631
physically located in this state does not violate federal law.	1632
(D) (1) The commission or sports wagering operator may ban	1633
any individual from entering a sports wagering area of a legal	1634
gaming facility or conducting sports wagering on the grounds of	1635
a legal gaming facility or from wagering or operating sports	1636
wagering.	1637
(2) No individual participating in the voluntary exclusion	1638
program established by the commission under Chapter 3772. of the	1639
Revised Code shall wager on any sporting event under this	1640
chapter.	1641
(E) No sports wagering operator employee may place a wager	1642
on any sporting event at any of the sports wagering operator's	1643
facilities or through any other mobile application or digital	1644
platform of the sports wagering operator.	1645
(F) An individual present in a designated area of a legal	1646
gaming facility shall not place or attempt to place a wager on	1647
behalf of an individual who is not present in the designated	1648
area of the legal gaming facility.	1649
Sec. 3775.04. (A) On behalf of the state, the commission	1650
may do both of the following:	1651
(1) Enter into sports wagering agreements with other	1652
governments whereby persons who are physically located in a	1653
signatory jurisdiction may participate in sports wagering	1654
conducted by one or more operators authorized to conduct sports	1655
wagering by the signatory governments; and	1656
(2) Take all necessary actions to ensure that any sports	1657

<u>wagering agreement entered into under this section becomes effective.</u>	1658
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<u>(B) The rules adopted by the commission under this section may include provisions prescribing all of the following:</u>	1660
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<u>(1) The form, length, and terms of an agreement entered into by the commission and another government, including, but not limited to, provisions relating to all of the following:</u>	1662
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<u>(a) How this state and other governments will tax activities under the agreement;</u>	1665
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<u>(b) How to share and distribute revenues; and</u>	1667
<u>(c) How to resolve disputes with patrons.</u>	1668
<u>(2) The information to be furnished to the commission by a government that proposes to enter into an agreement with this state pursuant to this section;</u>	1669
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<u>(3) The information to be furnished to the commission to enable the commission and executive director to carry out the purposes of this section;</u>	1672
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<u>(4) The manner and procedure for hearings conducted by the commission to resolve disputes arising under an agreement pursuant to this section, including any special rules or notices; and</u>	1675
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<u>(5) The information required to be furnished to the commission to support any recommendations made to the commission, pursuant to this section.</u>	1679
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<u>(C) The commission may not enter into a sports wagering agreement under this section unless the agreement includes provisions that do all of the following:</u>	1682
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<u>(1) Account for revenue sharing by this state and another government;</u>	1685
	1686
<u>(2) Permit this state's effective regulation of sports wagering, including provisions relating to licensing of persons, technical standards, resolution of disputes by patrons, requirements for bankrolls, enforcement, accounting, and maintenance of records;</u>	1687
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<u>(3) Require each signatory government to prohibit operators of sports wagering, management or other service providers, or suppliers, manufacturers, or distributors of sports wagering systems from engaging in any activity permitted by the sports wagering agreement unless they are authorized to engage in the activity in this state or in a signatory jurisdiction with similar requirements approved by the commission;</u>	1692
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<u>(4) Prohibit variation from the requirements of the sports wagering agreement for any signatory government without a lack of opposition by this state and all signatory governments;</u>	1700
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<u>(5) Prohibit any subordinate or side agreements among any subset of signatory governments unless it relates exclusively to the sharing of revenues; and</u>	1703
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<u>(6) Require the signatory government to establish and maintain regulatory requirements governing sports wagering that are consistent with the requirements of this state in all material respects if the sports wagering agreement allows individuals physically located in this state to participate in sports wagering conducted by another government or an operator licensed by another government.</u>	1706
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<u>(D) Except as authorized under this section, all sports</u>	1713

wagers authorized under this chapter shall be initiated, 1714
received, and otherwise made within this state unless the 1715
commission enters into a sports wagering agreement with another 1716
government after determining that such agreement would be in 1717
accordance with applicable federal and state laws. Consistent 1718
with the intent of the congress of the United States as 1719
articulated in the "Unlawful Internet Gambling Enforcement Act 1720
of 2006," 31 U.S.C. 5361 et seq., the intermediate routing of 1721
electronic data relating to lawful intrastate sports wagering 1722
authorized under this chapter shall not determine the location 1723
or locations in which such wagering is initiated, received, or 1724
otherwise made. 1725

Sec. 3775.05. (A) A sports wagering operator shall 1726
designate an area within the sports wagering operator's legal 1727
gaming facility for conducting sports wagering under this 1728
chapter. A sports wagering operator shall accept wagers from 1729
individuals physically present in the designated area, through 1730
sports wagering devices located in the legal gaming facility as 1731
authorized by the commission, or through an online sports pool. 1732
A sports wagering operator may not accept wagers unless made 1733
with cash, chips, tokens, or other representatives of value 1734
approved by the commission, or against credits made to a sports 1735
wagering account, or on credit extended in accordance with the 1736
sports wagering operator's internal controls and the rules of 1737
the commission. 1738

(B) (1) Except as provided in division (B) (2) of this 1739
section, an individual who is less than twenty-one years of age 1740
may not be present in the area designated under division (A) of 1741
this section where sports wagering is being conducted. 1742

(2) An employee of a sports wagering operator who is 1743

between eighteen and twenty-one years of age may be present in 1744
the area of a legal gaming facility where sports wagering is 1745
being conducted, as long as the employee's duties are related 1746
solely to nongaming activities. An individual who is less than 1747
twenty-one years of age may enter a designated area of a legal 1748
gaming facility where sports wagering is being conducted, as 1749
established by the commission, to pass to another area where 1750
sports wagering is not being conducted, but only if the 1751
individual is personally escorted by licensed sports wagering 1752
operator personnel, as approved by the commission, who at all 1753
times remain in close proximity to the individual. 1754

(C) A sports wagering operator shall determine the minimum 1755
and maximum wagers for sports wagering conducted in the sports 1756
wagering operator's legal gaming facility. 1757

(D) A sports wagering operator may not permit any sports 1758
wagering on the premises of the legal gaming facility except as 1759
permitted by this chapter. 1760

(E) A sports wagering device must be approved by the 1761
commission and acquired by a sports wagering operator from a 1762
licensed supplier. The commission shall test sports wagering 1763
devices and forms, variations, or composites of sports wagering 1764
under the terms and conditions that the commission considers 1765
appropriate before authorizing a sports wagering operator to 1766
offer a sports wagering device or a form, variation, or 1767
composite of sports wagering. 1768

(F) The commission shall determine the occupations related 1769
to sports wagering that require an occupational license, 1770
provided that no employee licensed in a similar occupation under 1771
Chapter 3772. of the Revised Code shall be subject to additional 1772
licensing requirements. 1773

<u>(G) A sports wagering operator may manage risk associated with sports wagers by rejecting or pooling one or more sports wagers. A sports wagering operator may lay off with another sports wagering operator one or more sports wagers.</u>	1774
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<u>(H) Sports wagering operators may employ systems that offset loss or manage risk in the operation of sports wagering pursuant to this chapter through the use of liquidity pools in another jurisdiction in which the licensee or an affiliate or other third party also holds licensure; provided that at all times adequate protections are maintained to ensure sufficient funds are available to pay patrons.</u>	1778
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<u>(I) If a patron does not claim a winning sports wager within one year from the date of the event, the obligation of the sports wagering operator to pay the winnings shall expire and the funds shall be distributed as follows: the sports wagering operator shall retain fifty per cent and remit the remaining fifty per cent to the state sports wagering revenue fund.</u>	1785
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<u>Sec. 3775.06. All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code.</u>	1792
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<u>To the extent not addressed in existing rules adopted under Chapter 3770. or 3772. of the Revised Code, the commission shall adopt, and as advisable and necessary shall amend or repeal, rules as are necessary for completing the functions of this chapter, which may include any or all of the following:</u>	1795
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<u>(A) Standards and procedures to govern the conduct of sports wagering, including the manner in which wagers are received, payouts are paid, and point spreads, lines, and odds</u>	1800
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<u>are disclosed;</u>	1803
<u>(B) Prescribing qualifications for a certificate to</u>	1804
<u>operate sports wagering under section 3775.02 of the Revised</u>	1805
<u>Code;</u>	1806
<u>(C) Prescribing qualifications for a management services</u>	1807
<u>provider license issued under section 3775.02 of the Revised</u>	1808
<u>Code;</u>	1809
<u>(D) Prescribing the manner in which a sports wagering</u>	1810
<u>operator's books and financial records relating to sports</u>	1811
<u>wagering are maintained and audited, including standards for the</u>	1812
<u>daily counting of a sports wagering operator's gross receipts</u>	1813
<u>from sports wagering and standards to ensure that internal</u>	1814
<u>controls are followed;</u>	1815
<u>(E) Prescribing the manner in which the sports wagering</u>	1816
<u>operator maintains records of all wagers placed, including, to</u>	1817
<u>the extent practicable, personally identifiable information of</u>	1818
<u>the individual placing the wager, the amount and type of wager,</u>	1819
<u>the time the wager was placed, the location of the wager,</u>	1820
<u>including internet protocol address if applicable, the outcome</u>	1821
<u>of the wager and records of abnormal wager activity for at least</u>	1822
<u>three years after the sporting event occurs;</u>	1823
<u>(F) Prescribing conditions to ensure the security and</u>	1824
<u>integrity of wagers accepted under an approved mobile or digital</u>	1825
<u>platform or online sports pool;</u>	1826
<u>(G) Providing written information to persons participating</u>	1827
<u>in sports wagering about sports wagering, payouts, winning</u>	1828
<u>wagers, and other information considered relevant by the</u>	1829
<u>commission;</u>	1830
<u>(H) Prescribing conditions to ensure that advertisements</u>	1831

<u>for sports wagering meet all of the following:</u>	1832
<u>(1) Do not target persons under twenty-one years of age or</u>	1833
<u>other persons who are ineligible to place wagers, problem</u>	1834
<u>gamblers, or other vulnerable individuals;</u>	1835
<u>(2) Disclose the identity of the sports wagering operator;</u>	1836
<u>(3) Provide information about or links to resources</u>	1837
<u>relating to problem gambling; and</u>	1838
<u>(4) Are not otherwise false, misleading, or deceptive to a</u>	1839
<u>reasonable consumer.</u>	1840
 <u>Sec. 3775.07. (A) An individual applying for an</u>	1841
<u>occupational license issued under this chapter shall submit one</u>	1842
<u>complete set of fingerprints directly to the superintendent of</u>	1843
<u>the bureau of criminal identification and investigation for the</u>	1844
<u>purpose of conducting a criminal records check. The individual</u>	1845
<u>shall provide the fingerprints using a method the superintendent</u>	1846
<u>of the bureau of criminal identification and investigation</u>	1847
<u>prescribes pursuant to division (C)(2) of section 109.572 of the</u>	1848
<u>Revised Code and fill out the form the superintendent of the</u>	1849
<u>bureau of criminal identification and investigation prescribes</u>	1850
<u>pursuant to division (C)(1) of section 109.572 of the Revised</u>	1851
<u>Code. Upon receiving an application under this section, the</u>	1852
<u>executive director of the commission shall request the</u>	1853
<u>superintendent of the bureau of criminal identification and</u>	1854
<u>investigation, or a vendor approved by the bureau, to conduct a</u>	1855
<u>criminal records check based on the individual's fingerprint</u>	1856
<u>impressions in accordance with division (A)(18) of section</u>	1857
<u>109.572 of the Revised Code.</u>	1858
 <u>(B) A sports wagering operator shall employ commercially</u>	1859
<u>reasonable methods to do all of the following:</u>	1860

<u>(1) Prohibit the operator, directors, officers, and employees of the operator, and any relative living in the same household of a person described in this division from placing bets with the sports wagering operator;</u>	1861
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<u>(2) Using publicly available information and any lists of employees and affiliates provided to the sports wagering operator or the commission by a sports governing body, prohibit wagering by any athlete, coach, referee, team owner, employee of a sports governing body or one of its member teams, or player or referee union personnel;</u>	1865
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<u>(3) Prohibit any individual with access to nonpublic confidential information held by the operator from placing wagers with the sports wagering operator;</u>	1871
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<u>(4) Prevent the sharing of confidential information that could affect sports wagering offered by the operator or by third parties until the information is made publicly available.</u>	1874
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<u>(C) The commission and sports wagering operators shall cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including by providing or facilitating the provision of betting information and audio or video files relating to persons placing wagers.</u>	1877
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<u>(D) A sports wagering operator shall immediately report to the commission any information relating to any of the following:</u>	1882
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<u>(1) Criminal or disciplinary proceedings commenced against the sports wagering operator in connection with its operations;</u>	1884
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<u>(2) Wagers that violate state or federal law;</u>	1886
<u>(3) Abnormal sports wagering activity or patterns that may indicate a concern regarding the integrity of a sporting event</u>	1887
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<u>or events;</u>	1889
<u>(4) Any other conduct that corrupts a wagering outcome of a sporting event or events for purposes of financial gain; or</u>	1890
<u>(5) Suspicious wagering activities.</u>	1891
<u>(E) A sports wagering operator shall maintain the confidentiality of information provided by a sports governing body to the sports wagering operator, unless disclosure is required by this chapter, the commission, other law, or court order.</u>	1892
<u>Sec. 3775.08. A sports wagering operator is not liable under the laws of Ohio to any party, including patrons, for disclosing information as required under this chapter and is not liable for refusing to disclose information unless required under this chapter.</u>	1893
<u>Sec. 3775.09. All shipments of gaming supplies, devices, and equipment, including slot machines, into this state are exempt from section (2) of "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," 15 U.S.C. 1171 through 1177.</u>	1894
<u>Sec. 3775.10. (A) For the purposes of this section, "confidential information" means any information concerning the following submitted, collected, or gathered as part of an application to the commission for a certificate or license under this chapter:</u>	1895
<u>(1) A minor child of an applicant;</u>	1896
<u>(2) The social security number, passport number, or federal tax identification number of an applicant or the spouse of an applicant;</u>	1897

<u>(3) The home address and telephone number of an applicant or the spouse or dependent of an applicant;</u>	1917 1918
<u>(4) An applicant's birth certificate;</u>	1919
<u>(5) The driver's license number of an applicant or the applicant's spouse;</u>	1920 1921
<u>(6) The name or address of a previous spouse of the applicant;</u>	1922 1923
<u>(7) The date of birth of the applicant and the spouse of an applicant;</u>	1924 1925
<u>(8) The place of birth of the applicant and the spouse of an applicant;</u>	1926 1927
<u>(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;</u>	1928 1929 1930 1931
<u>(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;</u>	1932 1933
<u>(11) The electronic mail address of the spouse or family member of the applicant;</u>	1934 1935
<u>(12) Any trade secret, medical records, and patents or exclusive licenses;</u>	1936 1937
<u>(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;</u>	1938 1939 1940 1941 1942
<u>(14) Information that is received by the commission from</u>	1943

<u>another jurisdiction relating to an applicant who holds, held,</u>	1944
<u>or has applied for a certificate or license under this chapter.</u>	1945
<u>Confidential information is not subject to disclosure by a</u>	1946
<u>public office as a public record under section 149.43 of the</u>	1947
<u>Revised Code.</u>	1948
<u>(B) Notwithstanding any other chapter of the Revised Code</u>	1949
<u>to the contrary, upon written request, the commission shall</u>	1950
<u>provide the following to a requestor:</u>	1951
<u>(1) The information provided under this chapter concerning</u>	1952
<u>a sports wagering operator or an applicant for a sports wagering</u>	1953
<u>operator certificate;</u>	1954
<u>(2) The amount of the wagering tax and admission tax paid</u>	1955
<u>daily to the state by a sports wagering operator; and</u>	1956
<u>(3) A copy of a letter providing the reasons for the</u>	1957
<u>denial of an application for a sports wagering operator</u>	1958
<u>certificate and a copy of a letter providing the reasons for the</u>	1959
<u>commission's refusal to allow an applicant to withdraw the</u>	1960
<u>application, but with confidential information redacted if that</u>	1961
<u>information is the reason for the denial or refusal to withdraw.</u>	1962
<u>(C) An individual's or person's name, place of employment,</u>	1963
<u>job title, and gaming experience that is provided for an</u>	1964
<u>individual or person who holds, held, or has applied for a</u>	1965
<u>certificate or license under this chapter is not confidential.</u>	1966
<u>The reason for denial or revocation of a certificate or license</u>	1967
<u>or for disciplinary action against the person or individual is</u>	1968
<u>not confidential.</u>	1969
<u>(D) An individual or person who holds, held, or has</u>	1970
<u>applied for a certificate or license under this chapter may</u>	1971
<u>waive the confidentiality requirements of division (A) of this</u>	1972

<u>section.</u>	1973
<u>(E) The commission may disclose confidential information to the inspector general, a prosecuting authority, a law enforcement agency, or any other appropriate governmental entity or licensing agency, if the recipient complies with the same requirements regarding confidential information as those with which the commission must comply.</u>	1974 1975 1976 1977 1978 1979
<u>Sec. 3775.11. (A) If any person violates this chapter or a rule adopted thereunder, the attorney general has a cause of action to restrain the violation. This action is a civil action governed by the rules of civil procedure. Upon receiving a request from the commission or the executive director, the attorney general shall commence and prosecute such an action to completion. The court shall give priority to such an action over all other civil actions. Such an action does not preclude an administrative or criminal proceeding on the same facts.</u>	1980 1981 1982 1983 1984 1985 1986 1987 1988
<u>(B) The attorney general may enter into agreements with any state or local law enforcement agency to carry out its duties.</u>	1989 1990 1991
<u>(C) A sheriff, chief of police, and prosecuting attorney shall furnish to the commission, on prescribed forms, all information obtained during the course of any substantial investigation or prosecution if it appears a violation of this chapter has occurred. Any such information is not a public record, as defined in section 149.43 of the Revised Code, until such information would otherwise become a public record.</u>	1992 1993 1994 1995 1996 1997 1998
<u>Sec. 3775.12. (A) The commission may impose civil penalties against a person who violates this chapter under penalties adopted by commission rule, which civil penalty shall</u>	1999 2000 2001

not exceed fifty thousand dollars for each violation. Moneys collected from such penalty levies shall be credited to the general revenue fund.

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2003
2004

(B) If a sports wagering operator or its employee or agent violates this chapter or engages in a fraudulent act, the commission may do either or both of the following:

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(1) Suspend or restrict the sports wagering of the sports wagering operator;

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2009

(2) Require the removal of an employee or agent of a sports wagering operator.

2010
2011

Sec. 3775.99. (A) A person who knowingly does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree for a subsequent offense:

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2014
2015

(1) Makes a false statement on an application submitted under this chapter;

2016
2017

(2) Permits an individual who is less than twenty-one years of age to make a sports wager;

2018
2019

(3) Enters or attempts to enter the area of a legal gaming facility where sports wagering is being conducted while under twenty-one years of age, unless the individual enters a designated area as described in section 3772.24 or 3775.05 of the Revised Code;

2020
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(4) Is a sports wagering operator, agent, or employee and participates in sports wagering at a legal gaming facility at which the sports wagering operator, agent, or employee has an interest or is employed.

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2028

(B) A person who knowingly does any of the following

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commits a felony of the fifth degree on a first offense and a 2030
felony of the fourth degree for a subsequent offense: 2031

(1) Offers, promises, or gives anything of value to anyone 2032
for the purpose of influencing the outcome of a race, sporting 2033
event, contest, or game upon which a wager may be made, or a 2034
person places, increases, or decreases a wager after acquiring 2035
knowledge, not available to the general public, that anyone has 2036
been offered, promised, or given anything of value for the 2037
purpose of influencing the outcome of the race, sporting event, 2038
contest, or game upon which the wager is placed, increased or 2039
decreased, or attempts to do any of the same; 2040

(2) Changes or alters the normal outcome of any game 2041
played on a mobile or other digital platform or online sports 2042
pool, including any interactive gaming system used to monitor 2043
the same or the way in which the outcome is reported to any 2044
participant in the game; 2045

(3) Manufactures, sells, or distributes any device that is 2046
intended by that person to be used to violate any provision of 2047
this chapter; 2048

(4) Places a bet or aids any other individual in placing a 2049
bet on a sporting event after unlawfully acquiring knowledge of 2050
the outcome on which winnings from that bet are contingent; 2051

(5) Claims, collects, or takes anything of value from a 2052
legal gaming facility with intent to defraud or attempts such 2053
action without having made a wager in which such amount or value 2054
is legitimately won or owed; 2055

(6) Places a wager using counterfeit currency or other 2056
counterfeit form of credit for wagering at a legal gaming 2057
facility; 2058

<u>(7) Has in the person's possession on grounds owned by the legal gaming facility or on grounds contiguous to the legal gaming facility, any device intended to be used to violate a provision of this chapter or any rule of the commission; or</u>	2059 2060 2061 2062
<u>(8) Operates sports wagering in a manner other than the manner required under this chapter.</u>	2063 2064
<u>If the person engaging in conduct described in divisions (B) (1) to (8) of this section is certified or licensed under this chapter, the commission shall revoke the person's certificate or license after the first offense.</u>	2065 2066 2067 2068
<u>(C) A person who knowingly does any of the following commits a felony of the third degree:</u>	2069 2070
<u>(1) Offers, promises, or gives anything of value or benefit to a person who is connected with a sports wagering operator, or agent or employee of a sports wagering operator, under an agreement to influence or with the intent to influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of sports wagering conducted under this chapter or an official action of a commission member, agent, or employee;</u>	2071 2072 2073 2074 2075 2076 2077 2078
<u>(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a sports wagering operator, or agent or employee of a sports wagering operator, under an agreement to influence or with the intent to influence the actions of the person to affect or attempt to affect the outcome of sports wagering conducted under this chapter or an official action of a commission member, agent, or employee.</u>	2079 2080 2081 2082 2083 2084 2085 2086
<u>If the person engaging in conduct described in division</u>	2087

<u>(C) (1) or (2) of this section is a is certified or licensed</u>	2088
<u>under this chapter, the commission shall revoke the person's</u>	2089
<u>certificate or license after the first offense. A public servant</u>	2090
<u>or party official who is convicted under this division is</u>	2091
<u>forever disqualified from holding any public office, employment,</u>	2092
<u>or position of trust in this state.</u>	2093
 <u>(D) A person who is convicted of a felony described in</u>	2094
<u>this chapter may be barred for life from entering a legal gaming</u>	2095
<u>facility by the commission.</u>	2096
 <u>Sec. 5703.21.</u> (A) Except as provided in divisions (B) and	2097
(C) of this section, no agent of the department of taxation,	2098
except in the agent's report to the department or when called on	2099
to testify in any court or proceeding, shall divulge any	2100
information acquired by the agent as to the transactions,	2101
property, or business of any person while acting or claiming to	2102
act under orders of the department. Whoever violates this	2103
provision shall thereafter be disqualified from acting as an	2104
officer or employee or in any other capacity under appointment	2105
or employment of the department.	2106
 (B) (1) For purposes of an audit pursuant to section 117.15	2107
of the Revised Code, or an audit of the department pursuant to	2108
Chapter 117. of the Revised Code, or an audit, pursuant to that	2109
chapter, the objective of which is to express an opinion on a	2110
financial report or statement prepared or issued pursuant to	2111
division (A) (7) or (9) of section 126.21 of the Revised Code,	2112
the officers and employees of the auditor of state charged with	2113
conducting the audit shall have access to and the right to	2114
examine any state tax returns and state tax return information	2115
in the possession of the department to the extent that the	2116
access and examination are necessary for purposes of the audit.	2117

Any information acquired as the result of that access and 2118
examination shall not be divulged for any purpose other than as 2119
required for the audit or unless the officers and employees are 2120
required to testify in a court or proceeding under compulsion of 2121
legal process. Whoever violates this provision shall thereafter 2122
be disqualified from acting as an officer or employee or in any 2123
other capacity under appointment or employment of the auditor of 2124
state. 2125

(2) For purposes of an internal audit pursuant to section 2126
126.45 of the Revised Code, the officers and employees of the 2127
office of internal audit in the office of budget and management 2128
charged with directing the internal audit shall have access to 2129
and the right to examine any state tax returns and state tax 2130
return information in the possession of the department to the 2131
extent that the access and examination are necessary for 2132
purposes of the internal audit. Any information acquired as the 2133
result of that access and examination shall not be divulged for 2134
any purpose other than as required for the internal audit or 2135
unless the officers and employees are required to testify in a 2136
court or proceeding under compulsion of legal process. Whoever 2137
violates this provision shall thereafter be disqualified from 2138
acting as an officer or employee or in any other capacity under 2139
appointment or employment of the office of internal audit. 2140

(3) As provided by section 6103(d)(2) of the Internal 2141
Revenue Code, any federal tax returns or federal tax information 2142
that the department has acquired from the internal revenue 2143
service, through federal and state statutory authority, may be 2144
disclosed to the auditor of state or the office of internal 2145
audit solely for purposes of an audit of the department. 2146

(4) For purposes of Chapter 3739. of the Revised Code, an 2147

agent of the department of taxation may share information with	2148
the division of state fire marshal that the agent finds during	2149
the course of an investigation.	2150
(C) Division (A) of this section does not prohibit any of	2151
the following:	2152
(1) Divulging information contained in applications,	2153
complaints, and related documents filed with the department	2154
under section 5715.27 of the Revised Code or in applications	2155
filed with the department under section 5715.39 of the Revised	2156
Code;	2157
(2) Providing information to the office of child support	2158
within the department of job and family services pursuant to	2159
section 3125.43 of the Revised Code;	2160
(3) Disclosing to the motor vehicle repair board any	2161
information in the possession of the department that is	2162
necessary for the board to verify the existence of an	2163
applicant's valid vendor's license and current state tax	2164
identification number under section 4775.07 of the Revised Code;	2165
(4) Providing information to the administrator of workers'	2166
compensation pursuant to sections 4123.271 and 4123.591 of the	2167
Revised Code;	2168
(5) Providing to the attorney general information the	2169
department obtains under division (J) of section 1346.01 of the	2170
Revised Code;	2171
(6) Permitting properly authorized officers, employees, or	2172
agents of a municipal corporation from inspecting reports or	2173
information pursuant to section 718.84 of the Revised Code or	2174
rules adopted under section 5745.16 of the Revised Code;	2175

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	2176 2177 2178 2179 2180 2181 2182 2183 2184
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	2185 2186 2187
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	2188 2189 2190 2191 2192
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	2193 2194
(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;	2195 2196 2197 2198 2199
(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce	2200 2201 2202 2203 2204

Chapter 1509. of the Revised Code;	2205
(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.	2206 2207 2208 2209 2210 2211 2212 2213 2214
(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's compliance with section 5747.063 or 5753.02 of the Revised Code and sections related thereto;	2215 2216 2217 2218 2219
(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.	2220 2221 2222 2223
(16) <u>Disclosing to the casino control commission information in the possession of the department of taxation that is necessary to verify a sports wagering operator's compliance with section 5747.063, 5747.064, or 5753.021 of the Revised Code and sections related thereto;</u>	2224 2225 2226 2227 2228
(17) <u>Disclosing to the development services agency information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the development services agency for the purpose of evaluating</u>	2229 2230 2231 2232 2233

potential tax credits, grants, or loans. Such information shall	2234
not include information received from the internal revenue	2235
service the disclosure of which is prohibited by section 6103 of	2236
the Internal Revenue Code. No officer, employee, or agent of the	2237
development services agency shall disclose any information	2238
provided to the development services agency by the department of	2239
taxation under division (C)(16) of this section except when	2240
disclosure of the information is necessary for, and made solely	2241
for the purpose of facilitating, the evaluation of potential tax	2242
credits, grants, or loans.	2243
<u>(17)–(18) Disclosing to the department of insurance</u>	2244
information in the possession of the department of taxation that	2245
is necessary to ensure a taxpayer's compliance with the	2246
requirements with any tax credit administered by the development	2247
services agency and claimed by the taxpayer against any tax	2248
administered by the superintendent of insurance. No officer,	2249
employee, or agent of the department of insurance shall disclose	2250
any information provided to the department of insurance by the	2251
department of taxation under division (C)(17) of this section.	2252
<u>(18)–(19) Disclosing to the division of liquor control</u>	2253
information in the possession of the department of taxation that	2254
is necessary for the division and department to comply with the	2255
requirements of sections 4303.26 and 4303.271 of the Revised	2256
Code.	2257
Sec. 5747.02. (A) For the purpose of providing revenue for	2258
the support of schools and local government functions, to	2259
provide relief to property taxpayers, to provide revenue for the	2260
general revenue fund, and to meet the expenses of administering	2261
the tax levied by this chapter, there is hereby levied on every	2262
individual, trust, and estate residing in or earning or	2263

receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming <u>or</u> sports wagering, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A) (1) to (4) of this section.	2264 2265 2266 2267 2268 2269 2270 2271 2272
(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied in the same amount as the tax is imposed on estates as prescribed in division (A) (2) of this section.	2273 2274 2275 2276 2277
(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the rate of seven thousand four hundred twenty-five ten-thousandths per cent for the first ten thousand five hundred dollars of such income and, for income in excess of that amount, at the same rates prescribed in division (A) (3) of this section for individuals.	2278 2279 2280 2281 2282 2283 2284
(3) In the case of individuals, for taxable years beginning in 2017 or thereafter, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. If the balance thus obtained is equal to or less than ten thousand five hundred dollars, no tax shall be imposed on that balance. If the balance thus obtained is greater than ten	2285 2286 2287 2288 2289 2290 2291 2292 2293

thousand five hundred dollars, the tax is hereby levied as	2294
follows:	2295
OHIO ADJUSTED GROSS	2296
INCOME LESS TAXABLE	2297
BUSINESS INCOME AND EXEMPTIONS	2298
(INDIVIDUALS)	2299
OR	2300
MODIFIED OHIO	2301
TAXABLE INCOME (TRUSTS)	2302
OR	2303
OHIO TAXABLE INCOME (ESTATES) TAX	2304
More than \$10,500 but \$77.96 plus 1.980% of the amount	2305
not more than \$15,800 in excess of \$10,500	2306
More than \$15,800 but \$182.90 plus 2.476% of the amount	2307
not more than \$21,100 in excess of \$15,800	2308
More than \$21,100 but \$314.13 plus 2.969% of the amount	2309
not more than \$42,100 in excess of \$21,100	2310
More than \$42,100 but \$937.62 plus 3.465% of the amount	2311
not more than \$84,200 in excess of \$42,100	2312
More than \$84,200 but \$2,396.39 plus 3.960% of the amount	2313
not more than \$105,300 in excess of \$84,200	2314
More than \$105,300 but \$3,231.95 plus 4.597% of the amount	2315
not more than \$210,600 in excess of \$105,300	2316
More than \$210,600 \$8,072.59 plus 4.997% of the amount	2317
in excess of \$210,600	2318
(4)(a) In the case of individuals, for taxable years	2319
beginning in 2016 or thereafter, the tax imposed by this section	2320
on taxable business income shall equal three per cent of the	2321

result obtained by subtracting any amount allowed under division	2322
(A) (4) (b) of this section from the individual's taxable business	2323
income.	2324
(b) If the exemptions allowed to an individual under	2325
division (A) (3) of this section exceed the taxpayer's Ohio	2326
adjusted gross income less taxable business income, the excess	2327
shall be deducted from taxable business income before computing	2328
the tax under division (A) (4) (a) of this section.	2329
(5) Except as otherwise provided in this division, in	2330
August of each year, the tax commissioner shall make a new	2331
adjustment to the income amounts prescribed in divisions (A) (2)	2332
and (3) of this section by multiplying the percentage increase	2333
in the gross domestic product deflator computed that year under	2334
section 5747.025 of the Revised Code by each of the income	2335
amounts resulting from the adjustment under this division in the	2336
preceding year, adding the resulting product to the	2337
corresponding income amount resulting from the adjustment in the	2338
preceding year, and rounding the resulting sum to the nearest	2339
multiple of fifty dollars. The tax commissioner also shall	2340
recompute each of the tax dollar amounts to the extent necessary	2341
to reflect the new adjustment of the income amounts. To	2342
recompute the tax dollar amount corresponding to the lowest tax	2343
rate in division (A) (3) of this section, the commissioner shall	2344
multiply the tax rate prescribed in division (A) (2) of this	2345
section by the income amount specified in that division and as	2346
adjusted according to this paragraph. The rates of taxation	2347
shall not be adjusted.	2348
The adjusted amounts apply to taxable years beginning in	2349
the calendar year in which the adjustments are made and to	2350
taxable years beginning in each ensuing calendar year until a	2351

calendar year in which a new adjustment is made pursuant to this 2352
division. The tax commissioner shall not make a new adjustment 2353
in any year in which the amount resulting from the adjustment 2354
would be less than the amount resulting from the adjustment in 2355
the preceding year. 2356

(B) If the director of budget and management makes a 2357
certification to the tax commissioner under division (B) of 2358
section 131.44 of the Revised Code, the amount of tax as 2359
determined under divisions (A)(1) to (3) of this section shall 2360
be reduced by the percentage prescribed in that certification 2361
for taxable years beginning in the calendar year in which that 2362
certification is made. 2363

(C) The levy of this tax on income does not prevent a 2364
municipal corporation, a joint economic development zone created 2365
under section 715.691, or a joint economic development district 2366
created under section 715.70, 715.71, or 715.72 of the Revised 2367
Code from levying a tax on income. 2368

(D) This division applies only to taxable years of a trust 2369
beginning in 2002 or thereafter. 2370

(1) The tax imposed by this section on a trust shall be 2371
computed by multiplying the Ohio modified taxable income of the 2372
trust by the rates prescribed by division (A) of this section. 2373

(2) A resident trust may claim a credit against the tax 2374
computed under division (D) of this section equal to the lesser 2375
of (a) the tax paid to another state or the District of Columbia 2376
on the resident trust's modified nonbusiness income, other than 2377
the portion of the resident trust's nonbusiness income that is 2378
qualifying investment income as defined in section 5747.012 of 2379
the Revised Code, or (b) the effective tax rate, based on 2380

modified Ohio taxable income, multiplied by the resident trust's 2381
modified nonbusiness income other than the portion of the 2382
resident trust's nonbusiness income that is qualifying 2383
investment income. The credit applies before any other 2384
applicable credits. 2385

(3) The credits enumerated in divisions (A)(1) to (9) and 2386
(A)(18) to (20) of section 5747.98 of the Revised Code do not 2387
apply to a trust subject to division (D) of this section. Any 2388
credits enumerated in other divisions of section 5747.98 of the 2389
Revised Code apply to a trust subject to division (D) of this 2390
section. To the extent that the trust distributes income for the 2391
taxable year for which a credit is available to the trust, the 2392
credit shall be shared by the trust and its beneficiaries. The 2393
tax commissioner and the trust shall be guided by applicable 2394
regulations of the United States treasury regarding the sharing 2395
of credits. 2396

(E) For the purposes of this section, "trust" means any 2397
trust described in Subchapter J of Chapter 1 of the Internal 2398
Revenue Code, excluding trusts that are not irrevocable as 2399
defined in division (I)(3)(b) of section 5747.01 of the Revised 2400
Code and that have no modified Ohio taxable income for the 2401
taxable year, charitable remainder trusts, qualified funeral 2402
trusts and preneed funeral contract trusts established pursuant 2403
to sections 4717.31 to 4717.38 of the Revised Code that are not 2404
qualified funeral trusts, endowment and perpetual care trusts, 2405
qualified settlement trusts and funds, designated settlement 2406
trusts and funds, and trusts exempted from taxation under 2407
section 501(a) of the Internal Revenue Code. 2408

(F) Nothing in division (A)(3) of this section shall 2409
prohibit an individual with an Ohio adjusted gross income, less 2410

taxable business income and exemptions, of ten thousand five
hundred dollars or less from filing a return under this chapter
to receive a refund of taxes withheld or to claim any refundable
credit allowed under this chapter. 2411
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Sec. 5747.063. The requirements imposed under this section
are in addition to the municipal income tax withholding
requirements under section 718.031 of the Revised Code. As used
in this section, "casino operator" has the same meaning as in
section 3772.01 of the Revised Code and "sports wagering
facility" has the same meaning as in section 5753.01 of the
Revised Code. 2415
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(A) (1) If a person's winnings ~~at a~~ from ~~casino facility~~
gaming or from sports wagering are an amount for which reporting
to the internal revenue service of the amount is required by
section 6041 of the Internal Revenue Code, as amended, ~~the a~~
casino operator shall deduct and withhold Ohio income tax from
the person's winnings at a rate of four per cent of the amount
won. A person's amount of winnings from casino gaming shall be
determined each time the person exchanges amounts won in tokens,
chips, casino credit, or other prepaid representations of value
for cash or a cash equivalent. The casino operator shall issue,
to a person from whose winnings an amount has been deducted and
withheld, a receipt for the amount deducted and withheld, and
also shall obtain from the person additional information that
will be necessary for the casino operator to prepare the returns
required by this section. 2422
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(2) If a person's winnings ~~at a~~ from ~~casino facility~~
gaming or sports wagering require reporting to the internal
revenue service under division (A) (1) of this section, the
casino operator also shall require the person to state in
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writing, under penalty of falsification, whether the person is	2441
in default under a support order.	2442
(B) Amounts deducted and withheld by a casino operator are	2443
held in trust for the benefit of the state.	2444
(1) On or before the tenth day of each month, the casino	2445
operator shall file a return electronically with the tax	2446
commissioner identifying the persons from whose winnings amounts	2447
were deducted and withheld, the amount of each such deduction	2448
and withholding during the preceding calendar month, the amount	2449
of the winnings from which each such amount was withheld, the	2450
type of casino gaming <u>or sports wagering</u> that resulted in such	2451
winnings, and any other information required by the tax	2452
commissioner. With the return, the casino operator shall remit	2453
electronically to the commissioner all the amounts deducted and	2454
withheld during the preceding month.	2455
(2) (a) A casino operator shall maintain a record of each	2456
written statement provided under division (A) (2) of this section	2457
in which a person admits to being in default under a support	2458
order. The casino operator shall make these records available to	2459
the director of job and family services upon request.	2460
(b) A casino operator shall maintain copies of receipts	2461
issued under division (A) (1) of this section and of written	2462
statements provided under division (A) (2) of this section and	2463
shall make these copies available to the tax commissioner upon	2464
request.	2465
(c) A casino operator shall maintain the information	2466
described in divisions (B) (2) (a) and (b) of this section in	2467
accordance with section 5747.17 of the Revised Code and any	2468
rules adopted pursuant thereto.	2469

(3) Annually, on or before the thirty-first day of 2470
January, a casino operator shall file an annual return 2471
electronically with the tax commissioner indicating the total 2472
amount deducted and withheld during the preceding calendar year. 2473
The casino operator shall remit electronically with the annual 2474
return any amount that was deducted and withheld and that was 2475
not previously remitted. If the identity of a person and the 2476
amount deducted and withheld with respect to that person were 2477
omitted on a monthly return, that information shall be indicated 2478
on the annual return. 2479

(4) (a) A casino operator who fails to file a return and 2480
remit the amounts deducted and withheld is personally liable for 2481
the amount deducted and withheld and not remitted. The 2482
commissioner may impose a penalty up to one thousand dollars if 2483
a return is filed late, if amounts deducted and withheld are 2484
remitted late, if a return is not filed, or if amounts deducted 2485
and withheld are not remitted. Interest accrues on past due 2486
amounts deducted and withheld at the rate prescribed in section 2487
5703.47 of the Revised Code. The commissioner may collect past 2488
due amounts deducted and withheld and penalties and interest 2489
thereon by assessment under section 5747.13 of the Revised Code 2490
as if they were income taxes collected by an employer. 2491

(b) If a casino operator sells the casino facility or 2492
sports wagering facility, or otherwise quits the casino or 2493
sports wagering business, the amounts deducted and withheld and 2494
any penalties and interest thereon are immediately due and 2495
payable. The successor shall withhold an amount of the purchase 2496
money that is sufficient to cover the amounts deducted and 2497
withheld and penalties and interest thereon until the 2498
predecessor casino operator produces either a receipt from the 2499
commissioner showing that the amounts deducted and withheld and 2500

penalties and interest thereon have been paid or a certificate 2501
from the commissioner indicating that no amounts deducted and 2502
withheld or penalties and interest thereon are due. If the 2503
successor fails to withhold purchase money, the successor is 2504
personally liable for payment of the amounts deducted and 2505
withheld and penalties and interest thereon, up to the amount of 2506
the purchase money. 2507

(C) (1) Annually, on or before the thirty-first day of 2508
January, a casino operator shall issue an information return to 2509
each person with respect to whom an amount has been deducted and 2510
withheld during the preceding calendar year. The information 2511
return shall show the total amount deducted from the person's 2512
winnings by the casino operator during the preceding calendar 2513
year. 2514

(2) Annually, on or before the thirty-first day of 2515
January, a casino operator shall provide to the commissioner a 2516
copy of each information return issued under division (C)(1) of 2517
this section for the preceding calendar year. The commissioner 2518
may require that the copies be transmitted electronically. 2519

(D) Amounts deducted and withheld shall be allowed as a 2520
credit against payment of the tax imposed by section 5747.02 of 2521
the Revised Code and shall be treated as taxes paid for purposes 2522
of section 5747.09 of the Revised Code. This division applies 2523
only to the person for whom the amount is deducted and withheld. 2524

(E) The failure of a casino operator to deduct and 2525
withhold the required amount from a person's winnings does not 2526
relieve the person from liability for the tax imposed by section 2527
5747.02 of the Revised Code with respect to those winnings. And 2528
compliance with this section does not relieve a casino operator 2529
or a person who has winnings at a ~~from~~ casino facility gaming or 2530

<u>sports wagering</u> from compliance with relevant provisions of	2531
federal tax laws.	2532
(F) The commissioner shall prescribe the form of the	2533
receipt and returns required by this section. The director of	2534
job and family services shall prescribe the form of the	2535
statement required by this section.	2536
(G) The commissioner may adopt rules that are necessary to	2537
administer this section.	2538
Sec. 5747.064. The requirements imposed under this section	2539
are in addition to the municipal income tax withholding	2540
requirements under section 718.031 of the Revised Code.	2541
(A) As used in this section, <u>"lottery sales agent"</u> means	2542
<u>an agent that conducts video lottery terminals on behalf of the</u>	2543
<u>state, "sports wagering facility"</u> has the same meaning as in	2544
<u>section 5753.01 of the Revised Code, and "video lottery</u>	2545
<u>terminal</u> " has the same meaning as in section 3770.21 of the	2546
Revised Code.	2547
(B) If a person's <u>winnings from sports wagering or prize</u>	2548
award from a video lottery terminal is an amount for which	2549
reporting to the internal revenue service of the amount is	2550
required by section 6041 of the Internal Revenue Code, as	2551
amended, the <u>a</u> lottery sales agent shall deduct and withhold	2552
Ohio income tax from the person's <u>winnings or prize award</u> at a	2553
rate of four per cent of the amount won. The lottery sales agent	2554
shall issue, to a person from whose <u>winnings or prize award</u> an	2555
amount has been deducted or withheld, a receipt for the amount	2556
deducted and withheld, and also shall obtain from the person	2557
additional information that will be necessary for the lottery	2558
sales agent to prepare the returns required by this section.	2559

(C) Amounts deducted and withheld by a lottery sales agent	2560
are held in trust for the benefit of the state.	2561
(1) On or before the tenth day of each month, the lottery	2562
sales agent shall file a return electronically with the tax	2563
commissioner identifying the persons from whose <u>winnings or</u>	2564
prize awards amounts were deducted and withheld, the amount of	2565
each such deduction and withholding during the preceding month,	2566
the amount of the <u>winnings or</u> prize award from which each such	2567
amount was withheld, and any other information required by the	2568
commissioner. With the return, the lottery sales agent shall	2569
remit electronically to the commissioner all the amounts	2570
deducted and withheld during the preceding month.	2571
(2) A lottery sales agent shall maintain a record of all	2572
receipts issued under division (B) of this section and shall	2573
make those records available to the commissioner upon request.	2574
Such records shall be maintained in accordance with section	2575
5747.17 of the Revised Code and any rules adopted pursuant	2576
thereto.	2577
(3) Annually, on or before the thirty-first day of	2578
January, a lottery sales agent shall file an annual return	2579
electronically with the tax commissioner indicating the total	2580
amount deducted and withheld during the preceding calendar year.	2581
The lottery sales agent shall remit electronically with the	2582
annual return any amount that was deducted and withheld and that	2583
was not previously remitted. If the identity of a person and the	2584
amount deducted and withheld with respect to that person were	2585
omitted on a monthly return, that information shall be indicated	2586
on the annual return.	2587
(4) (a) A lottery sales agent who fails to file a return	2588
and remit the amounts deducted and withheld is personally liable	2589

for the amount deducted and withheld and not remitted. The 2590
commissioner may impose a penalty of up to one thousand dollars 2591
if a return is filed late, if amounts deducted and withheld are 2592
remitted late, if a return is not filed, or if amounts deducted 2593
and withheld are not remitted. Interest accrues on past due 2594
amounts deducted and withheld at the rate prescribed in section 2595
5703.47 of the Revised Code. The commissioner may collect past 2596
due amounts deducted and withheld and penalties and interest 2597
thereon by assessment under section 5747.13 of the Revised Code 2598
as if they were income taxes collected by an employer. 2599

(b) If a lottery sales agent ceases to operate video 2600
lottery terminals, sells a sports wagering facility, or 2601
otherwise quits the sports wagering business, the amounts 2602
deducted and withheld and any penalties and interest thereon are 2603
immediately due and payable. A successor of the lottery sales 2604
agent ~~that purchases the video lottery terminals from the agent~~ 2605
shall withhold an amount of the purchase money that is 2606
sufficient to cover the amounts deducted and withheld and 2607
penalties and interest thereon until the predecessor lottery 2608
sales agent produces either a receipt from the tax commissioner 2609
showing that the amounts deducted and withheld and penalties and 2610
interest thereon have been paid or a certificate from the 2611
commissioner indicating that no amounts deducted and withheld or 2612
penalties and interest thereon are due. If the successor fails 2613
to withhold purchase money, the successor is personally liable 2614
for payment of the amounts deducted and withheld and penalties 2615
and interest thereon, up to the amount of the purchase money. 2616

(D) (1) Annually, on or before the thirty-first day of 2617
January, a lottery sales agent shall issue an information return 2618
to each person with respect to whom an amount has been deducted 2619
and withheld during the preceding calendar year. The information 2620

return shall show the total amount deducted from the person's
winnings or prize award by the lottery sales agent during the
preceding year. 2621
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(2) Annually, on or before the thirty-first day of
January, a lottery sales agent shall provide to the tax
commissioner a copy of each information return issued under
division (D)(1) of this section for the preceding calendar year. 2624
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The commissioner may require that such copies be transmitted
electronically. 2628
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(E) Amounts deducted and withheld shall be allowed as a
credit against payment of the tax imposed by section 5747.02 of
the Revised Code and shall be treated as taxes paid for purposes
of section 5747.09 of the Revised Code. This division applies
only to the person for whom the amount is deducted and withheld. 2630
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(F) The failure of a lottery sales agent to deduct and
withhold the required amount from a person's winnings or prize
award does not relieve the person from liability for the tax
imposed by section 5747.02 of the Revised Code with respect to
that income. Compliance with this section does not relieve a
lottery sales agent or a person who has winnings or a prize
award from compliance with relevant provisions of federal tax
laws. 2635
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(G) The commissioner shall prescribe the form of the
receipt and returns required by this section and may promulgate
any rules necessary to administer the section. 2643
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Sec. 5747.08. An annual return with respect to the tax
imposed by section 5747.02 of the Revised Code and each tax
imposed under Chapter 5748. of the Revised Code shall be made by
every taxpayer for any taxable year for which the taxpayer is 2646
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liable for the tax imposed by that section or under that 2650
chapter, unless the total credits allowed under division (E) of 2651
section 5747.05 and divisions (F) and (G) of section 5747.055 of 2652
the Revised Code for the year are equal to or exceed the tax 2653
imposed by section 5747.02 of the Revised Code, in which case no 2654
return shall be required unless the taxpayer is liable for a tax 2655
imposed pursuant to Chapter 5748. of the Revised Code. 2656

(A) If an individual is deceased, any return or notice 2657
required of that individual under this chapter shall be made and 2658
filed by that decedent's executor, administrator, or other 2659
person charged with the property of that decedent. 2660

(B) If an individual is unable to make a return or notice 2661
required by this chapter, the return or notice required of that 2662
individual shall be made and filed by the individual's duly 2663
authorized agent, guardian, conservator, fiduciary, or other 2664
person charged with the care of the person or property of that 2665
individual. 2666

(C) Returns or notices required of an estate or a trust 2667
shall be made and filed by the fiduciary of the estate or trust. 2668

(D) (1) (a) Except as otherwise provided in division (D) (1) 2669
(b) of this section, any pass-through entity may file a single 2670
return on behalf of one or more of the entity's investors other 2671
than an investor that is a person subject to the tax imposed 2672
under section 5733.06 of the Revised Code. The single return 2673
shall set forth the name, address, and social security number or 2674
other identifying number of each of those pass-through entity 2675
investors and shall indicate the distributive share of each of 2676
those pass-through entity investor's income taxable in this 2677
state in accordance with sections 5747.20 to 5747.231 of the 2678
Revised Code. Such pass-through entity investors for whom the 2679

pass-through entity elects to file a single return are not 2680
entitled to the exemption or credit provided for by sections 2681
5747.02 and 5747.022 of the Revised Code; shall calculate the 2682
tax before business credits at the highest rate of tax set forth 2683
in section 5747.02 of the Revised Code for the taxable year for 2684
which the return is filed; and are entitled to only their 2685
distributive share of the business credits as defined in 2686
division (D) (2) of this section. A single check drawn by the 2687
pass-through entity shall accompany the return in full payment 2688
of the tax due, as shown on the single return, for such 2689
investors, other than investors who are persons subject to the 2690
tax imposed under section 5733.06 of the Revised Code. 2691

(b) (i) A pass-through entity shall not include in such a 2692
single return any investor that is a trust to the extent that 2693
any direct or indirect current, future, or contingent 2694
beneficiary of the trust is a person subject to the tax imposed 2695
under section 5733.06 of the Revised Code. 2696

(ii) A pass-through entity shall not include in such a 2697
single return any investor that is itself a pass-through entity 2698
to the extent that any direct or indirect investor in the second 2699
pass-through entity is a person subject to the tax imposed under 2700
section 5733.06 of the Revised Code. 2701

(c) Nothing in division (D) of this section precludes the 2702
tax commissioner from requiring such investors to file the 2703
return and make the payment of taxes and related interest, 2704
penalty, and interest penalty required by this section or 2705
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 2706
Nothing in division (D) of this section precludes such an 2707
investor from filing the annual return under this section, 2708
utilizing the refundable credit equal to the investor's 2709

proportionate share of the tax paid by the pass-through entity 2710
on behalf of the investor under division (I) of this section, 2711
and making the payment of taxes imposed under section 5747.02 of 2712
the Revised Code. Nothing in division (D) of this section shall 2713
be construed to provide to such an investor or pass-through 2714
entity any additional deduction or credit, other than the credit 2715
provided by division (I) of this section, solely on account of 2716
the entity's filing a return in accordance with this section. 2717
Such a pass-through entity also shall make the filing and 2718
payment of estimated taxes on behalf of the pass-through entity 2719
investors other than an investor that is a person subject to the 2720
tax imposed under section 5733.06 of the Revised Code. 2721

(2) For the purposes of this section, "business credits" 2722
means the credits listed in section 5747.98 of the Revised Code 2723
excluding the following credits: 2724

(a) The retirement income credit under division (B) of 2725
section 5747.055 of the Revised Code; 2726

(b) The senior citizen credit under division (F) of 2727
section 5747.055 of the Revised Code; 2728

(c) The lump sum distribution credit under division (G) of 2729
section 5747.055 of the Revised Code; 2730

(d) The dependent care credit under section 5747.054 of 2731
the Revised Code; 2732

(e) The lump sum retirement income credit under division 2733
(C) of section 5747.055 of the Revised Code; 2734

(f) The lump sum retirement income credit under division 2735
(D) of section 5747.055 of the Revised Code; 2736

(g) The lump sum retirement income credit under division 2737

(E) of section 5747.055 of the Revised Code;	2738
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	2739
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	2740
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	2741
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	2742
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	2743
(m) The earned income tax credit under section 5747.71 of the Revised Code.	2744
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	2745
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to	2746
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limit or alter the liability, if any, imposed on pass-through	2766
entity investors for unpaid or underpaid taxes, interest,	2767
interest penalty, or penalties as a result of the pass-through	2768
entity's making the election provided for under division (D) of	2769
this section. For the purposes of division (D) of this section,	2770
"correct tax due" means the tax that would have been paid by the	2771
pass-through entity had the single return been filed in a manner	2772
reflecting the commissioner's findings. Nothing in division (D)	2773
of this section shall be construed to make or hold a pass-	2774
through entity liable for tax attributable to a pass-through	2775
entity investor's income from a source other than the pass-	2776
through entity electing to file the single return.	2777
(E) If a husband and wife file a joint federal income tax	2778
return for a taxable year, they shall file a joint return under	2779
this section for that taxable year, and their liabilities are	2780
joint and several, but, if the federal income tax liability of	2781
either spouse is determined on a separate federal income tax	2782
return, they shall file separate returns under this section.	2783
If either spouse is not required to file a federal income	2784
tax return and either or both are required to file a return	2785
pursuant to this chapter, they may elect to file separate or	2786
joint returns, and, pursuant to that election, their liabilities	2787
are separate or joint and several. If a husband and wife file	2788
separate returns pursuant to this chapter, each must claim the	2789
taxpayer's own exemption, but not both, as authorized under	2790
section 5747.02 of the Revised Code on the taxpayer's own	2791
return.	2792
(F) Each return or notice required to be filed under this	2793
section shall contain the signature of the taxpayer or the	2794
taxpayer's duly authorized agent and of the person who prepared	2795

the return for the taxpayer, and shall include the taxpayer's
social security number. Each return shall be verified by a
declaration under the penalties of perjury. The tax commissioner
shall prescribe the form that the signature and declaration
shall take.

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(G) Each return or notice required to be filed under this
section shall be made and filed as required by section 5747.04
of the Revised Code, on or before the fifteenth day of April of
each year, on forms that the tax commissioner shall prescribe,
together with remittance made payable to the treasurer of state
in the combined amount of the state and all school district
income taxes shown to be due on the form.

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Upon good cause shown, the commissioner may extend the
period for filing any notice or return required to be filed
under this section and may adopt rules relating to extensions.
If the extension results in an extension of time for the payment
of any state or school district income tax liability with
respect to which the return is filed, the taxpayer shall pay at
the time the tax liability is paid an amount of interest
computed at the rate per annum prescribed by section 5703.47 of
the Revised Code on that liability from the time that payment is
due without extension to the time of actual payment. Except as
provided in section 5747.132 of the Revised Code, in addition to
all other interest charges and penalties, all taxes imposed
under this chapter or Chapter 5748. of the Revised Code and
remaining unpaid after they become due, except combined amounts
due of one dollar or less, bear interest at the rate per annum
prescribed by section 5703.47 of the Revised Code until paid or
until the day an assessment is issued under section 5747.13 of
the Revised Code, whichever occurs first.

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If the commissioner considers it necessary in order to 2826
ensure the payment of the tax imposed by section 5747.02 of the 2827
Revised Code or any tax imposed under Chapter 5748. of the 2828
Revised Code, the commissioner may require returns and payments 2829
to be made otherwise than as provided in this section. 2830

To the extent that any provision in this division 2831
conflicts with any provision in section 5747.026 of the Revised 2832
Code, the provision in that section prevails. 2833

(H) The amounts withheld by an employer pursuant to 2834
section 5747.06 of the Revised Code, a casino operator pursuant 2835
to section 5747.063 of the Revised Code, or a lottery sales 2836
agent pursuant to section 5747.064 of the Revised Code shall be 2837
allowed to the recipient of the compensation, casino or sports 2838
wagering winnings, or lottery prize award as credits against 2839
payment of the appropriate taxes imposed on the recipient by 2840
section 5747.02 and under Chapter 5748. of the Revised Code. 2841

(I) If a pass-through entity elects to file a single 2842
return under division (D) of this section and if any investor is 2843
required to file the annual return and make the payment of taxes 2844
required by this chapter on account of the investor's other 2845
income that is not included in a single return filed by a pass- 2846
through entity or any other investor elects to file the annual 2847
return, the investor is entitled to a refundable credit equal to 2848
the investor's proportionate share of the tax paid by the pass- 2849
through entity on behalf of the investor. The investor shall 2850
claim the credit for the investor's taxable year in which or 2851
with which ends the taxable year of the pass-through entity. 2852
Nothing in this chapter shall be construed to allow any credit 2853
provided in this chapter to be claimed more than once. For the 2854
purpose of computing any interest, penalty, or interest penalty, 2855

the investor shall be deemed to have paid the refundable credit 2856
provided by this division on the day that the pass-through 2857
entity paid the estimated tax or the tax giving rise to the 2858
credit. 2859

(J) The tax commissioner shall ensure that each return 2860
required to be filed under this section includes a box that the 2861
taxpayer may check to authorize a paid tax preparer who prepared 2862
the return to communicate with the department of taxation about 2863
matters pertaining to the return. The return or instructions 2864
accompanying the return shall indicate that by checking the box 2865
the taxpayer authorizes the department of taxation to contact 2866
the preparer concerning questions that arise during the 2867
processing of the return and authorizes the preparer only to 2868
provide the department with information that is missing from the 2869
return, to contact the department for information about the 2870
processing of the return or the status of the taxpayer's refund 2871
or payments, and to respond to notices about mathematical 2872
errors, offsets, or return preparation that the taxpayer has 2873
received from the department and has shown to the preparer. 2874

(K) The tax commissioner shall permit individual taxpayers 2875
to instruct the department of taxation to cause any refund of 2876
overpaid taxes to be deposited directly into a checking account, 2877
savings account, or an individual retirement account or 2878
individual retirement annuity, or preexisting college savings 2879
plan or program account offered by the Ohio tuition trust 2880
authority under Chapter 3334. of the Revised Code, as designated 2881
by the taxpayer, when the taxpayer files the annual return 2882
required by this section electronically. 2883

(L) The tax commissioner may adopt rules to administer 2884
this section. 2885

Sec. 5747.20. This section applies solely for the purposes of computing the credit allowed under division (A) of section 5747.05 of the Revised Code and computing income taxable in this state under division (D) of section 5747.08 of the Revised Code.	2886
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All items of nonbusiness income or deduction shall be allocated in this state as follows:	2890
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(A) All items of nonbusiness income or deduction taken into account in the computation of adjusted gross income for the taxable year by a resident shall be allocated to this state.	2892
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(B) All items of nonbusiness income or deduction taken into account in the computation of adjusted gross income for the taxable year by a nonresident shall be allocated to this state as follows:	2895
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(1) All items of compensation paid to an individual for personal services performed in this state who was a nonresident at the time of payment and all items of deduction directly allocated thereto shall be allocated to this state.	2899
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(2) All gains or losses from the sale of real property, tangible personal property, or intangible property shall be allocated as follows:	2903
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(a) Capital gains or losses from the sale or other transfer of real property are allocable to this state if the property is located physically in this state.	2906
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(b) Capital gains or losses from the sale or other transfer of tangible personal property are allocable to this state if, at the time of such sale or other transfer, the property had its physical location in this state.	2909
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(c) Capital gains or losses from the sale or other	2913

transfer of intangible personal property are allocable to this state if the taxpayer's domicile was in this state at the time of such sale or other transfer.	2914 2915 2916
(3) All rents and royalties of real or tangible personal property shall be allocated to this state as follows:	2917 2918
(a) Rents and royalties derived from real property are allocable to this state if the property is physically located in this state.	2919 2920 2921
(b) Rents and royalties derived from tangible personal property are allocable to this state to the extent that such property is utilized in this state.	2922 2923 2924
The extent of utilization of tangible personal property in a state is determined by multiplying the rents or royalties derived from such property by a fraction, the numerator of which is the number of days of physical location of the property in this state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the nonresident, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payor obtained possession.	2925 2926 2927 2928 2929 2930 2931 2932 2933 2934 2935 2936 2937
(4) All patent and copyright royalties shall be allocated to this state to the extent the patent or copyright was utilized by the payor in this state.	2938 2939 2940
A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other	2941 2942

processing in the state, or to the extent that a patented 2943
product is produced in the state. If the basis of receipts from 2944
patent royalties does not permit allocation to states or if the 2945
accounting procedures do not reflect states of utilization, the 2946
patent is utilized in this state if the taxpayer's domicile was 2947
in this state at the time such royalties were paid or accrued. 2948

A copyright is utilized in a state to the extent that 2949
printing or other publication originates in the state. If the 2950
basis of receipts from copyright royalties does not permit 2951
allocation to states or if the accounting procedures do not 2952
reflect states of utilization, the copyright is utilized in this 2953
state if the taxpayer's domicile was in this state at the time 2954
such royalties were paid or accrued. 2955

(5)(a) All lottery prize awards paid by the state lottery 2956
commission pursuant to Chapter 3770. of the Revised Code shall 2957
be allocated to this state. 2958

(b) All earnings, profit, income, and gain from the sale, 2959
exchange, or other disposition of lottery prize awards paid or 2960
to be paid to any person by the state lottery commission 2961
pursuant to Chapter 3770. of the Revised Code shall be allocated 2962
to this state. 2963

(c) All earnings, profit, income, and gain from the direct 2964
or indirect ownership of lottery prize awards paid or to be paid 2965
to any person by the state lottery commission pursuant to 2966
Chapter 3770. of the Revised Code shall be allocated to this 2967
state. 2968

(d) All earnings, profit, income, and gain from the direct 2969
or indirect interest in any right in or to any lottery prize 2970
awards paid or to be paid to any person by the state lottery 2971

commission pursuant to Chapter 3770. of the Revised Code shall 2972
be allocated to this state. 2973

(6) Any item of income or deduction which has been taken 2974
into account in the computation of adjusted gross income for the 2975
taxable year by a nonresident and which is not otherwise 2976
specifically allocated or apportioned pursuant to sections 2977
5747.20 to 5747.23 of the Revised Code, including, without 2978
limitation, interest, dividends and distributions, items of 2979
income taken into account under the provisions of sections 401 2980
to 425 of the Internal Revenue Code, and benefit payments 2981
received by a beneficiary of a supplemental unemployment trust 2982
which is referred to in section 501(c)(17) of the Internal 2983
Revenue Code, shall not be allocated to this state unless the 2984
taxpayer's domicile was in this state at the time such income 2985
was paid or accrued. 2986

(7) All casino gaming winnings paid by any person licensed 2987
by the Ohio casino control commission shall be allocated to the 2988
state. 2989

(8) All sports wagering winnings paid by a sports wagering 2990
operator, as that term is defined in section 5753.01 of the 2991
Revised Code, shall be allocated to the state. 2992

(C) If an individual is a resident for part of the taxable 2993
year and a nonresident for the remainder of the taxable year, 2994
all items of nonbusiness income or deduction shall be allocated 2995
under division (A) of this section for the part of the taxable 2996
year that the individual is a resident and under division (B) of 2997
this section for the part of the taxable year that the 2998
individual is a nonresident. 2999

Sec. 5751.01. As used in this chapter: 3000

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.	3001 3002 3003 3004 3005 3006 3007 3008 3009
(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.	3010 3011 3012 3013
(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.	3014 3015 3016
(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.	3017 3018 3019 3020 3021
(E) "Excluded person" means any of the following:	3022
(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E) (1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;	3023 3024 3025 3026
(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period	3027 3028 3029

under this chapter, except that a public utility that is a
combined company is a taxpayer with regard to the following
gross receipts: 3030
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(a) Taxable gross receipts directly attributed to a public
utility activity, but not directly attributed to an activity
that is subject to the excise tax imposed by section 5727.24 or
5727.30 of the Revised Code; 3033
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(b) Taxable gross receipts that cannot be directly
attributed to any activity, multiplied by a fraction whose
numerator is the taxable gross receipts described in division
(E) (2) (a) of this section and whose denominator is the total
taxable gross receipts that can be directly attributed to any
activity; 3037
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(c) Except for any differences resulting from the use of
an accrual basis method of accounting for purposes of
determining gross receipts under this chapter and the use of the
cash basis method of accounting for purposes of determining
gross receipts under section 5727.24 of the Revised Code, the
gross receipts directly attributed to the activity of a natural
gas company shall be determined in a manner consistent with
division (D) of section 5727.03 of the Revised Code. 3043
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As used in division (E) (2) of this section, "combined
company" and "public utility" have the same meanings as in
section 5727.01 of the Revised Code. 3051
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(3) A financial institution, as defined in section 5726.01
of the Revised Code, that paid the tax imposed by section
5726.02 of the Revised Code based on one or more taxable years
that include the entire tax period under this chapter; 3054
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(4) A person directly or indirectly owned by one or more 3058

financial institutions, as defined in section 5726.01 of the 3059
Revised Code, that paid the tax imposed by section 5726.02 of 3060
the Revised Code based on one or more taxable years that include 3061
the entire tax period under this chapter. 3062

For the purposes of division (E) (4) of this section, a 3063
person owns another person under the following circumstances: 3064

(a) In the case of corporations issuing capital stock, one 3065
corporation owns another corporation if it owns fifty per cent 3066
or more of the other corporation's capital stock with current 3067
voting rights; 3068

(b) In the case of a limited liability company, one person 3069
owns the company if that person's membership interest, as 3070
defined in section 1705.01 of the Revised Code, is fifty per 3071
cent or more of the combined membership interests of all persons 3072
owning such interests in the company; 3073

(c) In the case of a partnership, trust, or other 3074
unincorporated business organization other than a limited 3075
liability company, one person owns the organization if, under 3076
the articles of organization or other instrument governing the 3077
affairs of the organization, that person has a beneficial 3078
interest in the organization's profits, surpluses, losses, or 3079
distributions of fifty per cent or more of the combined 3080
beneficial interests of all persons having such an interest in 3081
the organization. 3082

(5) A domestic insurance company or foreign insurance 3083
company, as defined in section 5725.01 of the Revised Code, that 3084
paid the insurance company premiums tax imposed by section 3085
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 3086
insurance company whose gross premiums are subject to tax under 3087

section 3905.36 of the Revised Code based on one or more
measurement periods that include the entire tax period under
this chapter; 3088
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(6) A person that solely facilitates or services one or
more securitizations of phase-in-recovery property pursuant to a
final financing order as those terms are defined in section
4928.23 of the Revised Code. For purposes of this division,
"securitization" means transferring one or more assets to one or
more persons and then issuing securities backed by the right to
receive payment from the asset or assets so transferred. 3091
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(7) Except as otherwise provided in this division, a pre-
income tax trust as defined in division (FF) (4) of section
5747.01 of the Revised Code and any pass-through entity of which
such pre-income tax trust owns or controls, directly,
indirectly, or constructively through related interests, more
than five per cent of the ownership or equity interests. If the
pre-income tax trust has made a qualifying pre-income tax trust
election under division (FF) (3) of section 5747.01 of the
Revised Code, then the trust and the pass-through entities of
which it owns or controls, directly, indirectly, or
constructively through related interests, more than five per
cent of the ownership or equity interests, shall not be excluded
persons for purposes of the tax imposed under section 5751.02 of
the Revised Code. 3098
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(8) Nonprofit organizations or the state and its agencies,
instrumentalities, or political subdivisions. 3112
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(F) Except as otherwise provided in divisions (F) (2), (3),
and (4) of this section, "gross receipts" means the total amount
realized by a person, without deduction for the cost of goods
sold or other expenses incurred, that contributes to the 3114
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production of gross income of the person, including the fair	3118
market value of any property and any services received, and any	3119
debt transferred or forgiven as consideration.	3120
(1) The following are examples of gross receipts:	3121
(a) Amounts realized from the sale, exchange, or other	3122
disposition of the taxpayer's property to or with another;	3123
(b) Amounts realized from the taxpayer's performance of	3124
services for another;	3125
(c) Amounts realized from another's use or possession of	3126
the taxpayer's property or capital;	3127
(d) Any combination of the foregoing amounts.	3128
(2) "Gross receipts" excludes the following amounts:	3129
(a) Interest income except interest on credit sales;	3130
(b) Dividends and distributions from corporations, and	3131
distributive or proportionate shares of receipts and income from	3132
a pass-through entity as defined under section 5733.04 of the	3133
Revised Code;	3134
(c) Receipts from the sale, exchange, or other disposition	3135
of an asset described in section 1221 or 1231 of the Internal	3136
Revenue Code, without regard to the length of time the person	3137
held the asset. Notwithstanding section 1221 of the Internal	3138
Revenue Code, receipts from hedging transactions also are	3139
excluded to the extent the transactions are entered into	3140
primarily to protect a financial position, such as managing the	3141
risk of exposure to (i) foreign currency fluctuations that	3142
affect assets, liabilities, profits, losses, equity, or	3143
investments in foreign operations; (ii) interest rate	3144
fluctuations; or (iii) commodity price fluctuations. As used in	3145

division (F) (2) (c) of this section, "hedging transaction" has 3146
the same meaning as used in section 1221 of the Internal Revenue 3147
Code and also includes transactions accorded hedge accounting 3148
treatment under statement of financial accounting standards 3149
number 133 of the financial accounting standards board. For the 3150
purposes of division (F) (2) (c) of this section, the actual 3151
transfer of title of real or tangible personal property to 3152
another entity is not a hedging transaction. 3153

(d) Proceeds received attributable to the repayment, 3154
maturity, or redemption of the principal of a loan, bond, mutual 3155
fund, certificate of deposit, or marketable instrument; 3156

(e) The principal amount received under a repurchase 3157
agreement or on account of any transaction properly 3158
characterized as a loan to the person; 3159

(f) Contributions received by a trust, plan, or other 3160
arrangement, any of which is described in section 501(a) of the 3161
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 3162
1, Subchapter (D) of the Internal Revenue Code applies; 3163

(g) Compensation, whether current or deferred, and whether 3164
in cash or in kind, received or to be received by an employee, 3165
former employee, or the employee's legal successor for services 3166
rendered to or for an employer, including reimbursements 3167
received by or for an individual for medical or education 3168
expenses, health insurance premiums, or employee expenses, or on 3169
account of a dependent care spending account, legal services 3170
plan, any cafeteria plan described in section 125 of the 3171
Internal Revenue Code, or any similar employee reimbursement; 3172

(h) Proceeds received from the issuance of the taxpayer's 3173
own stock, options, warrants, puts, or calls, or from the sale 3174

of the taxpayer's treasury stock;	3175
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	3176 3177 3178
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	3179 3180 3181 3182 3183 3184 3185
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	3186 3187 3188
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	3189 3190 3191
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	3192 3193 3194 3195 3196 3197 3198 3199 3200 3201
(n) Pension reversions;	3202
(o) Contributions to capital;	3203

- (p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority; 3204
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- (q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code; 3209
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- (r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person; 3216
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- (s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code; 3223
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- (t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle 3230
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dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;	3234 3235 3236 3237
(u) Receipts from a financial institution described in division (E) (3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;	3238 3239 3240 3241 3242 3243 3244 3245
(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;	3246 3247 3248 3249
(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F) (2) (w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.	3250 3251 3252 3253 3254 3255 3256 3257 3258 3259
(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by	3260 3261 3262 3263

the professional employer organization to the client employer;	3264
(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;	3265 3266 3267 3268 3269
(z) Qualifying distribution center receipts.	3270
(i) For purposes of division (F) (2) (z) of this section:	3271
(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes all dealers, brokers, processors, sellers, vendors, cosigners, and distributors of qualified property.	3272 3273 3274 3275 3276 3277 3278
(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere or, in the case of gold, silver, platinum, or palladium delivered to a refining facility solely for refining to a grade and fineness acceptable for delivery to a registered commodities exchange. "Further shipping" includes storing and repackaging property into smaller or larger bundles, so long as the property is not subject to further manufacturing or processing. "Refining" is limited to extracting impurities from gold, silver, platinum, or palladium through smelting or some other process at a refining facility.	3279 3280 3281 3282 3283 3284 3285 3286 3287 3288 3289 3290 3291
(III) "Qualified distribution center" means a warehouse, a	3292

facility similar to a warehouse, or a refining facility in this 3293
state that, for the qualifying year, is operated by a person 3294
that is not part of a combined taxpayer group and that has a 3295
qualifying certificate. All warehouses or facilities similar to 3296
warehouses that are operated by persons in the same taxpayer 3297
group and that are located within one mile of each other shall 3298
be treated as one qualified distribution center. All refining 3299
facilities that are operated by persons in the same taxpayer 3300
group and that are located in the same or adjacent counties may 3301
be treated as one qualified distribution center. 3302

(IV) "Qualifying year" means the calendar year to which 3303
the qualifying certificate applies. 3304

(V) "Qualifying period" means the period of the first day 3305
of July of the second year preceding the qualifying year through 3306
the thirtieth day of June of the year preceding the qualifying 3307
year. 3308

(VI) "Qualifying certificate" means the certificate issued 3309
by the tax commissioner after the operator of a distribution 3310
center files an annual application with the commissioner. The 3311
application and annual fee shall be filed and paid for each 3312
qualified distribution center on or before the first day of 3313
September before the qualifying year or within forty-five days 3314
after the distribution center opens, whichever is later. 3315

The applicant must substantiate to the commissioner's 3316
satisfaction that, for the qualifying period, all persons 3317
operating the distribution center have more than fifty per cent 3318
of the cost of the qualified property shipped to a location such 3319
that it would be sitused outside this state under the provisions 3320
of division (E) of section 5751.033 of the Revised Code. The 3321
applicant must also substantiate that the distribution center 3322

cumulatively had costs from its suppliers equal to or exceeding 3323
five hundred million dollars during the qualifying period. (For 3324
purposes of division (F)(2)(z)(i)(VI) of this section, 3325
"supplier" excludes any person that is part of the consolidated 3326
elected taxpayer group, if applicable, of the operator of the 3327
qualified distribution center.) The commissioner may require the 3328
applicant to have an independent certified public accountant 3329
certify that the calculation of the minimum thresholds required 3330
for a qualified distribution center by the operator of a 3331
distribution center has been made in accordance with generally 3332
accepted accounting principles. The commissioner shall issue or 3333
deny the issuance of a certificate within sixty days after the 3334
receipt of the application. A denial is subject to appeal under 3335
section 5717.02 of the Revised Code. If the operator files a 3336
timely appeal under section 5717.02 of the Revised Code, the 3337
operator shall be granted a qualifying certificate effective for 3338
the remainder of the qualifying year or until the appeal is 3339
finalized, whichever is earlier. If the operator does not 3340
prevail in the appeal, the operator shall pay the ineligible 3341
operator's supplier tax liability. 3342

(VII) "Ohio delivery percentage" means the proportion of 3343
the total property delivered to a destination inside Ohio from 3344
the qualified distribution center during the qualifying period 3345
compared with total deliveries from such distribution center 3346
everywhere during the qualifying period. 3347

(VIII) "Refining facility" means one or more buildings 3348
located in a county in the Appalachian region of this state as 3349
defined by section 107.21 of the Revised Code and utilized for 3350
refining or smelting gold, silver, platinum, or palladium to a 3351
grade and fineness acceptable for delivery to a registered 3352
commodities exchange. 3353

(IX) "Registered commodities exchange" means a board of trade, such as New York mercantile exchange, inc. or commodity exchange, inc., designated as a contract market by the commodity futures trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended.	3354 3355 3356 3357 3358
(X) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties. The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.	3359 3360 3361 3362 3363 3364 3365 3366 3367 3368 3369 3370
(ii)(I) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be sitused outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any	3371 3372 3373 3374 3375 3376 3377 3378 3379 3380 3381 3382 3383 3384

person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)	3385 3386 3387
(II) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business operations of the distribution center have changed or will change such that the distribution center will qualify as a qualified distribution center within thirty-six months after the date the operator first applies for a certificate. If, at the end of that thirty-six-month period, the business operations of the distribution center have not changed such that the distribution center qualifies as a qualified distribution center, the operator of the distribution center shall pay the ineligible operator's supplier tax liability for each year that the distribution center received a certificate but did not qualify as a qualified distribution center. For each year the distribution center receives a certificate under division (F) (2) (z) (ii) (II) of this section, the distribution center shall pay all applicable fees required under division (F) (2) (z) of this section and shall submit an updated business plan showing the progress the distribution center made toward qualifying as a qualified distribution center during the preceding year.	3388 3389 3390 3391 3392 3393 3394 3395 3396 3397 3398 3399 3400 3401 3402 3403 3404 3405 3406 3407 3408
(III) An operator may appeal a determination under division (F) (2) (z) (ii) (I) or (II) of this section that the ineligible operator is liable for the operator's supplier tax liability as a result of not qualifying as a qualified distribution center, as provided in section 5717.02 of the Revised Code.	3409 3410 3411 3412 3413 3414

(iii) When filing an application for a qualifying certificate under division (F)(2)(z)(i)(VI) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (F)(2)(z)(i)(VI) of this section. 3415
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(iv) (I) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (F)(2)(z)(iii) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed. 3426
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(II) The operator of a distribution center that receives a qualifying certificate under division (F)(2)(z)(ii)(II) of this section shall make a good faith estimate of the Ohio delivery percentage that the operator estimates will apply to the distribution center at the end of the thirty-six-month period after the operator first applied for a qualifying certificate under that division. The result of the estimate shall be multiplied by a factor of one and seventy-five one-hundredths. The product of that calculation shall be the Ohio delivery percentage used by suppliers in their reports of taxable gross receipts for each qualifying year that the distribution center receives a qualifying certificate under division (F)(2)(z)(ii)(II) of this section, except that, if the product is less than five per cent, the Ohio delivery percentage used shall be five per cent and that, if the product exceeds forty-nine per cent, the Ohio delivery percentage used shall be forty-nine per cent. 3446
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(v) Qualifying certificates and Ohio delivery percentages issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner. A supplier relying in good faith on a certificate issued under this division shall not be subject to tax on the qualifying distribution center receipts under division (F)(2)(z) of this section. An operator receiving a qualifying certificate is liable for the ineligible operator's supplier tax liability for each year the operator received a certificate but did not qualify as a qualified distribution center. 3462
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(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this section. The 3472
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first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code. 3477
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(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in division (F) (2) (z) of this section. 3482
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(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf; 3487
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(bb) Cash discounts allowed and taken; 3490

(cc) Returns and allowances; 3491

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered; 3492
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(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	3506 3507 3508 3509
(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.	3510 3511 3512
(gg) (i) As used in this division:	3513
(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.	3514 3515 3516 3517 3518 3519 3520 3521
(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.	3522 3523 3524 3525 3526
(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have the uranium enrichment zone certified for the purpose of excluding qualified uranium receipts under division (F)(2)(gg) of this section. The application shall include such information that the tax commissioner prescribes. Within sixty days after receiving the application, the tax commissioner shall certify	3527 3528 3529 3530 3531 3532 3533 3534

the zone for that purpose if the commissioner determines that 3535
the property qualifies as a uranium enrichment zone as defined 3536
in division (F)(2)(gg) of this section, or, if the tax 3537
commissioner determines that the property does not qualify, the 3538
commissioner shall deny the application or request additional 3539
information from the applicant. If the tax commissioner denies 3540
an application, the commissioner shall state the reasons for the 3541
denial. The applicant may appeal the denial of an application to 3542
the board of tax appeals pursuant to section 5717.02 of the 3543
Revised Code. If the applicant files a timely appeal, the tax 3544
commissioner shall conditionally certify the applicant's 3545
property. The conditional certification shall expire when all of 3546
the applicant's appeals are exhausted. Until final resolution of 3547
the appeal, the applicant shall retain the applicant's records 3548
in accordance with section 5751.12 of the Revised Code, 3549
notwithstanding any time limit on the preservation of records 3550
under that section. 3551

(hh) In the case of amounts collected by a licensed casino 3552
operator from casino gaming, amounts in excess of the casino 3553
operator's gross casino revenue. In this division, "casino 3554
operator" and "casino gaming" have the meanings defined in 3555
section 3772.01 of the Revised Code, and "gross casino revenue" 3556
has the meaning defined in section 5753.01 of the Revised Code. 3557

(ii) Receipts realized from the sale of agricultural 3558
commodities by an agricultural commodity handler, both as 3559
defined in section 926.01 of the Revised Code, that is licensed 3560
by the director of agriculture to handle agricultural 3561
commodities in this state. 3562

(jj) Qualifying integrated supply chain receipts. 3563

As used in division (F)(2)(jj) of this section: 3564

(i) "Qualifying integrated supply chain receipts" means	3565
receipts of a qualified integrated supply chain vendor from the	3566
sale of qualified property delivered to, or integrated supply	3567
chain services provided to, another qualified integrated supply	3568
chain vendor or to a retailer that is a member of the integrated	3569
supply chain. "Qualifying integrated supply chain receipts" does	3570
not include receipts of a person that is not a qualified	3571
integrated supply chain vendor from the sale of raw materials to	3572
a member of an integrated supply chain, or receipts of a member	3573
of an integrated supply chain from the sale of qualified	3574
property or integrated supply chain services to a person that is	3575
not a member of the integrated supply chain.	3576
(ii) "Qualified property" means any of the following:	3577
(I) Component parts used to hold, contain, package, or	3578
dispense qualified products, excluding equipment;	3579
(II) Work-in-process inventory that will become, comprise,	3580
or form a component part of a qualified product capable of being	3581
sold at retail, excluding equipment, machinery, furniture, and	3582
fixtures;	3583
(III) Finished goods inventory that is a qualified product	3584
capable of being sold at retail in the inventory's present form.	3585
(iii) "Qualified integrated supply chain vendor" means a	3586
person that is a member of an integrated supply chain and that	3587
provides integrated supply chain services within a qualified	3588
integrated supply chain district to a retailer that is a member	3589
of the integrated supply chain or to another qualified	3590
integrated supply chain vendor that is located within the same	3591
such district as the person but does not share a common owner	3592
with that person.	3593

(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle.	3594
	3595
"Qualified product" does not include a drug that may be dispensed only pursuant to a prescription, durable medical equipment, mobility enhancing equipment, or a prosthetic device, as those terms are defined in section 5739.01 of the Revised Code.	3596
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(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors certified on the most recent list certified to the tax commissioner under this division that systematically collaborate and coordinate business operations with a retailer on the flow of tangible personal property from material sourcing through manufacturing, assembly, packaging, and delivery to the retailer to improve long-term financial performance of each vendor and the supply chain that includes the retailer.	3601
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For the purpose of the certification required under this division, the reporting person for each retailer, on or before the first day of October of each year, shall certify to the tax commissioner a list of the qualified integrated supply chain vendors providing or receiving integrated supply chain services within a qualified integrated supply chain district for the ensuing calendar year. On or before the following first day of November, the commissioner shall issue a certificate to the retailer and to each vendor certified to the commissioner on that list. The certificate shall include the names of the retailer and of the qualified integrated supply chain vendors.	3610
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The retailer shall notify the commissioner of any changes to the list, including additions to or subtractions from the list or changes in the name or legal entity of vendors certified	3621
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on the list, within sixty days after the date the retailer 3624
becomes aware of the change. Within thirty days after receiving 3625
that notification, the commissioner shall issue a revised 3626
certificate to the retailer and to each vendor certified on the 3627
list. The revised certificate shall include the effective date 3628
of the change. 3629

Each recipient of a certificate issued pursuant to this 3630
division shall maintain a copy of the certificate for four years 3631
from the date the certificate was received. 3632

(vi) "Integrated supply chain services" means procuring 3633
raw materials or manufacturing, processing, refining, 3634
assembling, packaging, or repackaging tangible personal property 3635
that will become finished goods inventory capable of being sold 3636
at retail by a retailer that is a member of an integrated supply 3637
chain. 3638

(vii) "Retailer" means a person primarily engaged in 3639
making retail sales and any member of that person's consolidated 3640
elected taxpayer group or combined taxpayer group, whether or 3641
not that member is primarily engaged in making retail sales. 3642

(viii) "Qualified integrated supply chain district" means 3643
the parcel or parcels of land from which a retailer's integrated 3644
supply chain that existed on September 29, 2015, provides or 3645
receives integrated supply chain services, and to which all of 3646
the following apply: 3647

(I) The parcel or parcels are located wholly in a county 3648
having a population of greater than one hundred sixty-five 3649
thousand but less than one hundred seventy thousand based on the 3650
2010 federal decennial census. 3651

(II) The parcel or parcels are located wholly in the 3652

corporate limits of a municipal corporation with a population 3653
greater than seven thousand five hundred and less than eight 3654
thousand based on the 2010 federal decennial census that is 3655
partly located in the county described in division (F) (2) (jj) 3656
(viii) (I) of this section, as those corporate limits existed on 3657
September 29, 2015. 3658

(III) The aggregate acreage of the parcel or parcels 3659
equals or exceeds one hundred acres. 3660

(kk) In the case of a railroad company described in 3661
division (D) (9) of section 5727.01 of the Revised Code that 3662
purchases dyed diesel fuel directly from a supplier as defined 3663
by section 5736.01 of the Revised Code, an amount equal to the 3664
product of the number of gallons of dyed diesel fuel purchased 3665
directly from such a supplier multiplied by the average 3666
wholesale price for a gallon of diesel fuel as determined under 3667
section 5736.02 of the Revised Code for the period during which 3668
the fuel was purchased multiplied by a fraction, the numerator 3669
of which equals the rate of tax levied by section 5736.02 of the 3670
Revised Code less the rate of tax computed in section 5751.03 of 3671
the Revised Code, and the denominator of which equals the rate 3672
of tax computed in section 5751.03 of the Revised Code. 3673

(ll) Receipts realized by an out-of-state disaster 3674
business from disaster work conducted in this state during a 3675
disaster response period pursuant to a qualifying solicitation 3676
received by the business. Terms used in ~~this~~ division (F) (2) (ll) 3677
of this section have the same meanings as in section 5703.94 of 3678
the Revised Code. 3679

(mm) In the case of amounts collected by a sports wagering 3680
operator from sports wagering, amounts in excess of the 3681
operator's sports wagering receipts. In this division, "sports 3682

<u>wagering operator" and "sports wagering receipts" have the same meanings as in section 5753.01 of the Revised Code.</u>	3683
	3684
<u>(nn) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.</u>	3685
	3686
	3687
(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.	3688
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(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.	3697
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(G) "Taxable gross receipts" means gross receipts sitused to this state under section 5751.033 of the Revised Code.	3704
	3705
(H) A person has "substantial nexus with this state" if any of the following applies. The person:	3706
	3707
(1) Owns or uses a part or all of its capital in this state;	3708
	3709
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	3710
	3711

(3) Has bright-line presence in this state;	3712
(4) Otherwise has nexus with this state to an extent that	3713
the person can be required to remit the tax imposed under this	3714
chapter under the Constitution of the United States.	3715
(I) A person has "bright-line presence" in this state for	3716
a reporting period and for the remaining portion of the calendar	3717
year if any of the following applies. The person:	3718
(1) Has at any time during the calendar year property in	3719
this state with an aggregate value of at least fifty thousand	3720
dollars. For the purpose of division (I)(1) of this section,	3721
owned property is valued at original cost and rented property is	3722
valued at eight times the net annual rental charge.	3723
(2) Has during the calendar year payroll in this state of	3724
at least fifty thousand dollars. Payroll in this state includes	3725
all of the following:	3726
(a) Any amount subject to withholding by the person under	3727
section 5747.06 of the Revised Code;	3728
(b) Any other amount the person pays as compensation to an	3729
individual under the supervision or control of the person for	3730
work done in this state; and	3731
(c) Any amount the person pays for services performed in	3732
this state on its behalf by another.	3733
(3) Has during the calendar year taxable gross receipts of	3734
at least five hundred thousand dollars.	3735
(4) Has at any time during the calendar year within this	3736
state at least twenty-five per cent of the person's total	3737
property, total payroll, or total gross receipts.	3738

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	3739 3740
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	3741 3742
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	3743 3744 3745 3746 3747 3748 3749 3750
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	3751 3752 3753
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	3754 3755 3756
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	3757 3758
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	3759 3760
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	3761 3762 3763
(1) A person receiving a fee to sell financial instruments;	3764 3765
(2) A person retaining only a commission from a	3766

transaction with the other proceeds from the transaction being remitted to another person;	3767 3768
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	3769 3770
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	3771 3772
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	3773 3774
(Q) "Received" includes amounts accrued under the accrual method of accounting.	3775 3776
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	3777 3778 3779 3780 3781 3782 3783
Sec. 5753.01. As used in Chapter 5753. of the Revised Code and for no other purpose under Title LVII of the Revised Code:	3784 3785
(A) "Casino facility" has the same meaning as in section 3772.01 of the Revised Code.	3786 3787
(B) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code.	3788 3789
(C) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.	3790 3791
(D) "Gross casino revenue" means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic	3792 3793

cards, or similar objects by casino patrons, less winnings paid to wagerers. "Gross casino revenue" does not include the issuance to casino patrons or wagering by casino patrons of any promotional gaming credit as defined in section 3772.01 of the Revised Code. When issuance of the promotional gaming credit requires money exchanged as a match from the patron, the excludible portion of the promotional gaming credit does not include the portion of the wager purchased by the patron.	3794 3795 3796 3797 3798 3799 3800 3801
(E) "Person" has the same meaning as in section 3772.01 of the Revised Code.	3802 3803
(F) "Slot machine" has the same meaning as in section 3772.01 of the Revised Code.	3804 3805
(G) <u>"Sports wagering facility"</u> has the same meaning as the term <u>"legal gaming facility"</u> in section 3775.01 of the Revised Code.	3806 3807 3808
<u>(H) "Sports wagering operator"</u> has the same meaning as in section 3775.01 of the Revised Code.	3809 3810
<u>(I) "Sports wagering receipts"</u> means the total amount of cash and cash equivalents received by a sports wagering operator from sports wagering, less the total of the following:	3811 3812 3813
<u>(1) All cash and cash equivalents paid as winnings to sports wagering patrons;</u>	3814 3815
<u>(2) The actual costs incurred by a sports wagering operator for any personal property, noncash awards, or services distributed to patrons as a result of sports wagering;</u>	3816 3817 3818
<u>(3) The dollar amount of all voided wagers;</u>	3819
<u>(4) Uncollectible amounts due to the sports wagering operator from patrons as a result of sports wagering operations,</u>	3820 3821

<u>provided that the amount has become worthless or uncollectible</u>	3822
<u>during the current tax period, has been uncollected for at least</u>	3823
<u>six months, and may be claimed as a deduction pursuant to</u>	3824
<u>section 166 of the Internal Revenue Code, and regulations</u>	3825
<u>adopted pursuant thereto, or that could be claimed as such a</u>	3826
<u>deduction if the vendor kept accounts on an accrual basis.</u>	3827
<u>(J) "Table game" has the same meaning as in section</u>	3828
<u>3772.01 of the Revised Code.</u>	3829
<u>(H) (K) "Taxpayer" means a casino operator subject to the</u>	3830
<u>tax levied under section 5753.02 of the Revised Code or a sports</u>	3831
<u>wagering operator subject to the tax levied under section</u>	3832
<u>5753.021 of the Revised Code.</u>	3833
<u>(L) "Tax period" means one twenty-four-hour period with</u>	3834
<u>regard to which a casino operator <u>taxpayer</u> is required to pay</u>	3835
<u>the tax levied by this chapter <u>section 5753.02 or 5753.021 of</u></u>	3836
<u>the Revised Code.</u>	3837
<u>Sec. 5753.021. For the purposes of funding the needs of</u>	3838
<u>this state and of defraying the costs of administering the tax</u>	3839
<u>levied by this section, a tax is hereby levied on the sports</u>	3840
<u>wagering receipts of a sports wagering operator at the rate of</u>	3841
<u>six and twenty-five one-hundredths per cent of the sports</u>	3842
<u>wagering receipts received by the operator from the operation of</u>	3843
<u>sports wagering in this state.</u>	3844
<u>All money collected from the tax levied by this section</u>	3845
<u>shall be credited to the general revenue fund. The tax is in</u>	3846
<u>addition to any other taxes or fees imposed under the Revised</u>	3847
<u>Code.</u>	3848
<u>Sec. 5753.03. (A) For the purpose of receiving and</u>	3849
<u>distributing, and accounting for, revenue received from the tax</u>	3850

levied by section 5753.02 of the Revised Code, the following	3851
funds are created in the state treasury:	3852
(1) The casino tax revenue fund;	3853
(2) The gross casino revenue county fund;	3854
(3) The gross casino revenue county student fund;	3855
(4) The gross casino revenue host city fund;	3856
(5) The Ohio state racing commission fund;	3857
(6) The Ohio law enforcement training fund;	3858
(7) The problem casino gambling and addictions fund;	3859
(8) The casino control commission fund;	3860
(9) The casino tax administration fund;	3861
(10) The peace officer training academy fund;	3862
(11) The criminal justice services casino tax revenue fund.	3863
(B) All moneys collected from the tax levied under this chapter <u>section 5753.02 of the Revised Code</u> shall be deposited into the casino tax revenue fund.	3864
(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code <u>and attributable to the tax levied under section 5753.02 of the Revised Code</u> .	3865
(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of	3866
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budget and management shall transfer amounts to each fund as follows:	3877
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(1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;	3879
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(2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;	3882
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(3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;	3886
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(4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the pari-mutuel system of wagering is conducted;	3889
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(5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;	3893
	3894
(6) Two per cent to the problem casino gambling and addictions fund to support efforts of the department of mental health and addiction services to alleviate problem gambling and substance abuse and related research in the state under section 5119.47 of the Revised Code;	3895
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(7) Three per cent to the casino control commission fund to support the operations of the Ohio casino control commission and to defray the cost of administering the tax levied under section 5753.02 of the Revised Code.	3900
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Payments under divisions (D)(1) and (3) of this section	3904

shall be made by the end of the month following the end of the 3905
quarterly period. The tax commissioner shall make the data 3906
available to the director of budget and management for this 3907
purpose. 3908

Money in the Ohio state racing commission fund shall be 3909
distributed at the discretion of the Ohio state racing 3910
commission for the purpose stated in division (D)(4) of this 3911
section by the end of the month following the end of the 3912
quarterly period. The commission may retain up to five per cent 3913
of the amount transferred to the fund under division (D)(4) of 3914
this section for operating expenses necessary for the 3915
administration of the fund. 3916

Payments from the gross casino revenue county student fund 3917
as required under section 5753.11 of the Revised Code shall be 3918
made by the last day of January and by the last day of August of 3919
each year, beginning in 2013. The tax commissioner shall make 3920
the data available to the director of budget and management for 3921
this purpose. 3922

Of the money credited to the Ohio law enforcement training 3923
fund, the director of budget and management shall distribute 3924
eighty-five per cent of the money to the police officer training 3925
academy fund for the purpose of supporting the law enforcement 3926
training efforts of the Ohio peace officer training academy and 3927
fifteen per cent of the money to the criminal justice services 3928
casino tax revenue fund for the purpose of supporting the law 3929
enforcement training efforts of the division of criminal justice 3930
services. 3931

(E)(1) The tax commissioner shall serve as an agent of the 3932
counties of this state only for the purposes of this division 3933
and solely to make payments directly to municipal corporations 3934

and school districts, as applicable, on the counties' behalf.	3935
(2) On or before the last day of the month following the end of each calendar quarter, the tax commissioner shall provide for payment from the funds referenced in divisions (D) (1) and (3) of this section to each county and municipal corporation as prescribed in those divisions.	3936 3937 3938 3939 3940
(3) On or before the last day of January and the last day of August each year, the commissioner shall provide for payments from the fund referenced in division (D) (2) of this section to each school district as prescribed in that division.	3941 3942 3943 3944
(F) The director of budget and management shall transfer one per cent of the money credited to the casino control commission fund to the casino tax administration fund. The tax commissioner shall use the casino tax administration fund to defray the costs incurred in administering the tax levied by <u>this chapter under section 5753.02 of the Revised Code.</u>	3945 3946 3947 3948 3949 3950
(G) All investment earnings of the gross casino revenue county student fund shall be credited to the fund.	3951 3952
Sec. 5753.04. <u>(A)</u> Daily each day banks are open for business, not later than noon, a casino operator each taxpayer shall file a return electronically with the tax commissioner. The return shall be in the form required by the tax commissioner, and shall reflect the relevant tax period. The return shall include, but is not limited to, the amount of the casino operator's <u>taxpayer's</u> gross casino revenue or sports <u>wagering receipts</u> for the tax period and the amount of tax due under section 5753.02 <u>or 5753.021</u> of the Revised Code for the tax period. The casino operator <u>taxpayer</u> shall remit electronically with the return the tax due.	3953 3954 3955 3956 3957 3958 3959 3960 3961 3962 3963

<u>(B) If a sports wagering operator's sports wagering</u>	3964
<u>receipts for a tax period are less than zero because the</u>	3965
<u>winnings paid by the operator to wagerers exceeds the operator's</u>	3966
<u>total gross receipts from the operation of sports wagering for</u>	3967
<u>that tax period, the tax commissioner shall allow the operator</u>	3968
<u>to carry forward the deficit to subsequent tax periods until the</u>	3969
<u>operator's sports wagering receipts are greater than zero.</u>	3970
<u>(C) If the-a casino operator or sports wagering operator</u>	3971
ceases to be a taxpayer at any time, the casino -operator shall	3972
indicate the last date for which the casino -operator was liable	3973
for the tax. The return shall include a space for this purpose.	3974
Sec. 5753.05. (A) (1) A casino operator <u>-taxpayer</u> who fails	3975
to file a return or to remit the tax due as required by section	3976
5753.04 of the Revised Code shall pay a penalty not to exceed	3977
the greater of five hundred dollars or ten per cent of the tax	3978
due.	3979
(2) If the tax commissioner finds additional tax to be	3980
due, the tax commissioner may impose an additional penalty of up	3981
to fifteen per cent of the additional tax found to be due. A	3982
delinquent payment of tax made as the result of a notice or an	3983
audit is subject to the additional penalty imposed by this	3984
division.	3985
(3) If a casino operator <u>-taxpayer</u> fails to file a return	3986
electronically or to remit the tax electronically, the tax	3987
commissioner may impose an additional penalty of fifty dollars	3988
or ten per cent of the tax due as shown on the return, whichever	3989
is greater.	3990
(B) If the tax due under section 5753.02 <u>or 5753.021</u> of	3991
the Revised Code is not timely paid, the casino operator	3992

taxpayer shall pay interest at the rate per annum prescribed in
section 5703.47 of the Revised Code beginning on the day the tax
was due through the day the tax is paid or an assessment is
issued, whichever occurs first. 3993
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(C) The tax commissioner shall collect any penalty or
interest as if it were the tax levied by section 5753.02 or
5753.021 of the Revised Code, as applicable. Penalties and
interest shall be treated as if they were revenue arising from
the applicable tax levied by section 5753.02 of the Revised
Code. 3997
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(D) The tax commissioner may abate all or a portion of any
penalty imposed under this section and may adopt rules governing
abatements. 4003
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(E) If a casino operator or sports wagering operator fails
to file a return or remit the tax due as required by section
5753.04 of the Revised Code within a period of one year after
the due date for filing the return or remitting the tax, the
Ohio casino control commission may suspend the ~~casino~~ operator's
license. 4006
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Sec. 5753.06. (A) A ~~casino~~ operator taxpayer may apply to
the tax commissioner for refund of the amount of taxes under
section 5753.02 or 5753.021 of the Revised Code that were
overpaid, paid illegally or erroneously, or paid on an illegal
or erroneous assessment. The application shall be on a form
prescribed by the tax commissioner. The ~~casino~~ operator taxpayer
shall provide the amount of the requested refund along with the
claimed reasons for, and documentation to support, the issuance
of a refund. The ~~casino~~ operator taxpayer shall file the
application with the tax commissioner within four years after
the date the payment was made, unless the applicant has waived
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the time limitation under division (D) of section 5753.07 of the 4023
Revised Code. In the latter event, the four-year limitation is 4024
extended for the same period of time as the waiver. 4025

(B) Upon the filing of a refund application, the tax 4026
commissioner shall determine the amount of refund to which the 4027
applicant is entitled. If the amount is not less than that 4028
claimed, the tax commissioner shall certify the amount to the 4029
director of budget and management and treasurer of state for 4030
payment from the tax refund fund. If the amount is less than 4031
that claimed, the tax commissioner shall proceed under section 4032
5703.70 of the Revised Code. 4033

(C) Interest on a refund applied for under this section, 4034
computed at the rate provided for in section 5703.47 of the 4035
Revised Code, shall be allowed from the later of the date the 4036
tax was due or the date payment of the tax was made. Except as 4037
provided in section 5753.07 of the Revised Code, the tax 4038
commissioner may, with the consent of the ~~casino operator~~ 4039
taxpayer, provide for crediting against the tax due for a tax 4040
period, the amount of any refund due the ~~casino operator~~ 4041
taxpayer for a preceding tax period. 4042

(D) Refunds under this section are subject to offset under 4043
section 5753.061 of the Revised Code. 4044

Sec. 5753.061. As used in this section, "debt to the 4045
state" means unpaid taxes that are due the state, unpaid 4046
workers' compensation premiums that are due, unpaid unemployment 4047
compensation contributions that are due, unpaid unemployment 4048
compensation payments in lieu of contributions that are due, 4049
unpaid fees payable to the state or to the clerk of courts under 4050
section 4505.06 of the Revised Code, incorrect medical 4051
assistance payments, or any unpaid charge, penalty, or interest 4052

arising from any of the foregoing. A debt to the state is not a
"debt to the state" as used in this section unless the liability
underlying the debt to the state has become incontestable
because the time for appealing, reconsidering, reassessing, or
otherwise questioning the liability has expired or the liability
has been finally determined to be valid.

If a ~~casino operator~~ taxpayer who is entitled to a refund
under section 5753.06 of the Revised Code owes a debt to the
state, the amount refundable may be applied in satisfaction of
the debt to the state. If the amount refundable is less than the
amount of the debt to the state, the amount refundable may be
applied in partial satisfaction of the debt. If the amount
refundable is greater than the amount of the debt, the amount
refundable remaining after satisfaction of the debt shall be
refunded to the ~~casino operator~~ taxpayer.

Sec. 5753.07. (A) (1) The tax commissioner may issue an
assessment, based on any information in the tax commissioner's
possession, against a ~~casino operator~~ taxpayer who fails to pay
the tax levied under section 5753.02 or 5753.021 of the Revised
Code or to file a return under section 5753.04 of the Revised
Code. The tax commissioner shall give the ~~casino operator~~
taxpayer written notice of the assessment under section 5703.37
of the Revised Code. With the notice, the tax commissioner shall
include instructions on how to petition for reassessment and on
how to request a hearing with respect to the petition.

(2) Unless the ~~casino operator~~ taxpayer, within sixty days
after service of the notice of assessment, files with the tax
commissioner, either personally or by certified mail, a written
petition signed by the ~~casino operator~~ taxpayer, or by the
~~casino operator's~~ taxpayer's authorized agent who has knowledge

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of the facts, the assessment becomes final, and the amount of 4083
the assessment is due and payable from the ~~casino operator~~ 4084
~~taxpayer~~ to the treasurer of state. The petition shall indicate 4085
the ~~casino operator's~~ ~~taxpayer's~~ objections to the assessment. 4086
Additional objections may be raised in writing if they are 4087
received by the tax commissioner before the date shown on the 4088
final determination. 4089

(3) If a petition for reassessment has been properly 4090
filed, the tax commissioner shall proceed under section 5703.60 4091
of the Revised Code. 4092

(4) After an assessment becomes final, if any portion of 4093
the assessment, including penalties and accrued interest, 4094
remains unpaid, the tax commissioner may file a certified copy 4095
of the entry making the assessment final in the office of the 4096
clerk of the court of common pleas of Franklin county or in the 4097
office of the clerk of the court of common pleas of the county 4098
in which the ~~casino operator~~ ~~taxpayer~~ resides, the ~~casino~~ 4099
~~operator's~~ ~~taxpayer's~~ casino facility or sports wagering 4100
facility is located, or the ~~casino operator's~~ ~~taxpayer's~~ 4101
principal place of business in this state is located. 4102

Immediately upon the filing of the entry, the clerk shall enter 4103
a judgment for the state against the taxpayer assessed in the 4104
amount shown on the entry. The judgment may be filed by the 4105
clerk in a loose-leaf book entitled, "special judgments for the 4106
gross casino revenue tax and sports wagering receipts tax." The 4107
judgment has the same effect as other judgments. Execution shall 4108
issue upon the judgment at the request of the tax commissioner, 4109
and all laws applicable to sales on execution apply to sales 4110
made under the judgment. 4111

(5) If the assessment is not paid in its entirety within 4112

sixty days after the day the assessment was issued, the portion 4113
of the assessment consisting of tax due shall bear interest at 4114
the rate per annum prescribed by section 5703.47 of the Revised 4115
Code from the day the tax commissioner issued the assessment 4116
until the assessment is paid or until it is certified to the 4117
attorney general for collection under section 131.02 of the 4118
Revised Code, whichever comes first. If the unpaid portion of 4119
the assessment is certified to the attorney general for 4120
collection, the entire unpaid portion of the assessment shall 4121
bear interest at the rate per annum prescribed by section 4122
5703.47 of the Revised Code from the date of certification until 4123
the date it is paid in its entirety. Interest shall be paid in 4124
the same manner as the tax levied under section 5753.02 or 4125
5753.021 of the Revised Code, as applicable, and may be 4126
collected by the issuance of an assessment under this section. 4127

(B) If the tax commissioner believes that collection of 4128
the tax levied under section 5753.02 or 5753.021 of the Revised 4129
Code will be jeopardized unless proceedings to collect or secure 4130
collection of the tax are instituted without delay, the 4131
commissioner may issue a jeopardy assessment against the ~~casino-~~ 4132
~~operator who taxpayer that~~ is liable for the tax. Immediately 4133
upon the issuance of a jeopardy assessment, the tax commissioner 4134
shall file an entry with the clerk of the court of common pleas 4135
in the manner prescribed by division (A)(4) of this section, and 4136
the clerk shall proceed as directed in that division. Notice of 4137
the jeopardy assessment shall be served on the ~~casino operator-~~ 4138
~~taxpayer or the casino operator's taxpayer's~~ authorized agent 4139
under section 5703.37 of the Revised Code within five days after 4140
the filing of the entry with the clerk. The total amount 4141
assessed is immediately due and payable, unless the ~~casino-~~ 4142
~~operator taxpayer~~ assessed files a petition for reassessment 4143

under division (A) (2) of this section and provides security in a 4144
form satisfactory to the tax commissioner that is in an amount 4145
sufficient to satisfy the unpaid balance of the assessment. If a 4146
petition for reassessment has been filed, and if satisfactory 4147
security has been provided, the tax commissioner shall proceed 4148
under division (A) (3) of this section. Full or partial payment 4149
of the assessment does not prejudice the tax commissioner's 4150
consideration of the petition for reassessment. 4151

(C) The tax commissioner shall immediately forward to the 4152
treasurer of state all amounts the tax commissioner receives 4153
under this section, and the amounts forwarded shall be treated 4154
as if they were revenue arising from the tax levied under 4155
section 5753.02 or 5753.021 of the Revised Code, as applicable. 4156

(D) Except as otherwise provided in this division, no 4157
assessment shall be issued against a ~~casino operator~~ taxpayer 4158
for the tax levied under section 5753.02 or 5753.021 of the 4159
Revised Code more than four years after the due date for filing 4160
the return for the tax period for which the tax was reported, or 4161
more than four years after the return for the tax period was 4162
filed, whichever is later. This division does not bar an 4163
assessment against a ~~casino operator~~ taxpayer who fails to file 4164
a return as required by section 5753.04 of the Revised Code or 4165
who files a fraudulent return, or when the ~~casino operator~~ 4166
taxpayer and the tax commissioner waive in writing the time 4167
limitation. 4168

(E) If the tax commissioner possesses information that 4169
indicates that the amount of tax a ~~casino operator~~ taxpayer is 4170
liable to pay under section 5753.02 or 5753.021 of the Revised 4171
Code exceeds the amount the ~~casino operator~~ taxpayer paid, the 4172
tax commissioner may audit a sample of the ~~casino operator's~~ 4173

taxpayer's gross casino revenue or sports wagering receipts, as applicable, over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the ~~casino operator~~taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the tax commissioner has prescribed the method by rule. 4174
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(F) If the whereabouts of a ~~casino operator~~taxpayer who is liable for the tax levied under section 5753.02 or 5753.021 of the Revised Code are unknown to the tax commissioner, the tax commissioner shall proceed under section 5703.37 of the Revised Code. 4182
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(G) If a ~~casino operator~~ fails to pay the tax levied under section 5753.02 of the Revised Code within a period of one year after the due date for remitting the tax, the Ohio casino control commission may suspend the casino operator's license. 4187
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Sec. 5753.08. If a ~~casino operator~~taxpayer who is liable for the tax levied under section 5753.02 or 5753.021 of the Revised Code sells ~~the~~a casino facility or sports wagering facility, disposes of ~~the~~a casino facility or sports wagering facility in any manner other than in the regular course of business, or quits the casino gaming or sports wagering business, any tax owed by that person becomes immediately due and payable, and the person shall pay the tax due, including any applicable penalties and interest. The person's successor shall withhold a sufficient amount of the purchase money to cover the amounts due and unpaid until the predecessor produces a receipt from the tax commissioner showing that the amounts due have been paid or a certificate indicating that no taxes are due. If the 4191
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successor fails to withhold purchase money, the successor is	4204
personally liable, up to the purchase money amount, for amounts	4205
that were unpaid during the operation of the business by the	4206
predecessor.	4207
Sec. 5753.10. The tax commissioner may prescribe	4208
requirements for the keeping of records and pertinent documents,	4209
for the filing of copies of federal income tax returns and	4210
determinations, and for computations reconciling federal income	4211
tax returns with the return required by section 5753.04 of the	4212
Revised Code. The tax commissioner may require a casino operator	4213
<u>taxpayer</u> , by rule or by notice served on the casino operator	4214
<u>taxpayer</u> , to keep records and other documents that the tax	4215
commissioner considers necessary to show the extent to which the	4216
casino operator <u>taxpayer</u> is subject to this chapter. The records	4217
and other documents shall be open to inspection by the tax	4218
commissioner during business hours, and shall be preserved for a	4219
period of four years unless the tax commissioner, in writing,	4220
consents to their destruction within that period, or by order	4221
served on the casino operator <u>taxpayer</u> requires that they be	4222
kept longer. If the records are normally kept electronically by	4223
the casino operator <u>taxpayer</u> , the casino operator <u>taxpayer</u> shall	4224
provide the records to the tax commissioner electronically at	4225
the tax commissioner's request.	4226
Any information required by the tax commissioner under	4227
this section is confidential under section 5703.21 of the	4228
Revised Code.	4229
Section 2. That existing sections 109.572, 718.031,	4230
2915.01, 5703.21, 5747.02, 5747.063, 5747.064, 5747.08, 5747.20,	4231
5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061,	4232
5753.07, 5753.08, and 5753.10 of the Revised Code are hereby	4233

repealed.	4234
Section 3. Section 109.572 of the Revised Code is	4235
presented in this act as a composite of the section as amended	4236
by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B.	4237
51, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of	4238
the 132nd General Assembly. The General Assembly, applying the	4239
principle stated in division (B) of section 1.52 of the Revised	4240
Code that amendments are to be harmonized if reasonably capable	4241
of simultaneous operation, finds that the composite is the	4242
resulting version of the section in effect prior to the	4243
effective date of the section as presented in this act.	4244